

**2011**

**SESSION LAWS**

OF THE

**STATE OF WASHINGTON**

SPECIAL SESSION  
SIXTY-SECOND LEGISLATURE

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**WASHINGTON SESSION LAWS  
GENERAL INFORMATION**

1. EDITIONS AVAILABLE.

(a) *General Information.* The session laws are printed in a permanent softbound edition containing the accumulation of all laws adopted in the legislative session. The edition contains a subject index and tables indicating Revised Code of Washington sections affected.

(b) *Where and how obtained - price.* The permanent session laws may be ordered from the Statute Law Committee, Pritchard Building, P.O. Box 40552, Olympia, Washington 98504-0552. The edition costs \$25.00 per set plus applicable state and local sales taxes and \$7.00 shipping and handling. All orders must be accompanied by payment.

2. PRINTING STYLE - INDICATION OF NEW OR DELETED MATTER.

The session laws are presented in the form in which they were enacted by the legislature. This style quickly and graphically portrays the current changes to existing law as follows:

(a) In amendatory sections

(i) underlined matter is new matter.

(ii) deleted matter is (~~lined out and bracketed between double parentheses~~).

(b) Complete new sections are prefaced by the words NEW SECTION.

3. PARTIAL VETOES.

(a) Vetoed matter is *printed in bold italics*.

(b) Pertinent excerpts of the governor's explanation of partial vetoes are printed at the end of the chapter concerned.

4. EDITORIAL CORRECTIONS. Words and clauses inserted in the session laws under the authority of RCW 44.20.060 are enclosed in [brackets].

5. EFFECTIVE DATE OF LAWS.

(a) The state Constitution provides that unless otherwise qualified, the laws of any session take effect ninety days after adjournment sine die. The Secretary of State has determined the pertinent date for the Laws of the 2011 special session to be the first moment of August 24, 2011.

(b) Laws that carry an emergency clause take effect immediately upon approval by the Governor.

(c) Laws that prescribe an effective date take effect upon that date.

6. INDEX AND TABLES.

A cumulative index and tables of all 2011 laws may be found at the back of the final volume.

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## CHAPTER 22

[Engrossed Substitute House Bill 1410]

## HIGH SCHOOL—SCIENCE ASSESSMENTS

AN ACT Relating to science end-of-course assessments; amending RCW 28A.655.061; adding a new section to chapter 28A.655 RCW; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION. Sec. 1.** (1) The legislature continues to support end-of-course assessments as a fair and practical way to measure students' knowledge and skills in high school science, but the legislature also recognizes that there are important scientific concepts, principles, and content that are not able to be captured in a single course or a single assessment. The legislature also does not wish to narrow the high school science curriculum to a singular focus on biology.

(2) However, the legislature finds that the financial resources for developing additional end-of-course assessments for high school science are not available in the 2011-2013 biennium. Nevertheless, the legislature intends to revisit this issue in the future and further intends at an appropriate time to direct the superintendent of public instruction to develop one or more end-of-course assessments in additional science subjects.

**Sec. 2.** RCW 28A.655.061 and 2010 c 244 s 1 are each amended to read as follows:

(1) The high school assessment system shall include but need not be limited to the ~~((Washington))~~ statewide student assessment ~~((of student learning))~~, opportunities for a student to retake the content areas of the assessment in which the student was not successful, and, if approved by the legislature pursuant to subsection (10) of this section, one or more objective alternative assessments for a student to demonstrate achievement of state academic standards. The objective alternative assessments for each content area shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the ~~((Washington))~~ statewide student assessment ~~((of student learning))~~ for each content area.

(2) Subject to the conditions in this section, a certificate of academic achievement shall be obtained by most students at about the age of sixteen, and is evidence that the students have successfully met the state standard in the content areas included in the certificate. With the exception of students satisfying the provisions of RCW 28A.155.045 or 28A.655.0611, acquisition of the certificate is required for graduation from a public high school but is not the only requirement for graduation.

(3) Beginning with the graduating class of 2008, with the exception of students satisfying the provisions of RCW 28A.155.045, a student who meets the state standards on the reading, writing, and mathematics content areas of the high school ~~((Washington))~~ statewide student assessment ~~((of student learning))~~ shall earn a certificate of academic achievement. If a student does not successfully meet the state standards in one or more content areas required for the certificate of academic achievement, then the student may retake the assessment in the content area up to four times at no cost to the student. If the student successfully meets the state standards on a retake of the assessment then the student shall earn a certificate of academic achievement. Once objective

alternative assessments are authorized pursuant to subsection (10) of this section, a student may use the objective alternative assessments to demonstrate that the student successfully meets the state standards for that content area if the student has taken the ~~((Washington)) statewide student~~ assessment ~~((of student learning))~~ at least once. If the student successfully meets the state standards on the objective alternative assessments then the student shall earn a certificate of academic achievement.

(4) Beginning ~~((no later than))~~ with the graduating class of ~~((2013))~~ 2015, a student must meet the state standards in science in addition to the other content areas required under subsection (3) of this section on the ~~((Washington)) statewide student~~ assessment ~~((of student learning))~~ or the objective alternative assessments in order to earn a certificate of academic achievement. ~~((The state board of education may adopt a rule that implements the requirements of this subsection (4) beginning with a graduating class before the graduating class of 2013, if the state board of education adopts the rule by September 1st of the freshman school year of the graduating class to which the requirements of this subsection (4) apply. The state board of education's authority under this subsection (4) does not alter the requirement that any change in performance standards for the tenth grade assessment must comply with RCW 28A.305.130.))~~

(5) The state board of education may not require the acquisition of the certificate of academic achievement for students in home-based instruction under chapter 28A.200 RCW, for students enrolled in private schools under chapter 28A.195 RCW, or for students satisfying the provisions of RCW 28A.155.045.

(6) A student may retain and use the highest result from each successfully completed content area of the high school assessment.

(7) School districts must make available to students the following options:

(a) To retake the ~~((Washington)) statewide student~~ assessment ~~((of student learning))~~ up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a public school; or

(b) To retake the ~~((Washington)) statewide student~~ assessment ~~((of student learning))~~ up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a high school completion program at a community or technical college. The superintendent of public instruction and the state board for community and technical colleges shall jointly identify means by which students in these programs can be assessed.

(8) Students who achieve the standard in a content area of the high school assessment but who wish to improve their results shall pay for retaking the assessment, using a uniform cost determined by the superintendent of public instruction.

(9) Opportunities to retake the assessment at least twice a year shall be available to each school district.

(10)(a) The office of the superintendent of public instruction shall develop options for implementing objective alternative assessments, which may include an appeals process for students' scores, for students to demonstrate achievement of the state academic standards. The objective alternative assessments shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the ~~((Washington)) statewide student~~ assessment ~~((of student~~

learning)) and be objective in its determination of student achievement of the state standards. Before any objective alternative assessments in addition to those authorized in RCW 28A.655.065 or (b) of this subsection are used by a student to demonstrate that the student has met the state standards in a content area required to obtain a certificate, the legislature shall formally approve the use of any objective alternative assessments through the omnibus appropriations act or by statute or concurrent resolution.

(b)(i) A student's score on the mathematics, reading or English, or writing portion of the SAT or the ACT may be used as an objective alternative assessment under this section for demonstrating that a student has met or exceeded the state standards for the certificate of academic achievement. The state board of education shall identify the scores students must achieve on the relevant portion of the SAT or ACT to meet or exceed the state standard in the relevant content area on the ~~((Washington)) statewide student assessment ((of student learning. The state board of education shall identify the first scores by December 1, 2007)).~~ A student's score on the science portion of the ACT or the science subject area tests of the SAT may be used as an objective alternative assessment under this section as soon as the state board of education determines that sufficient data is available to identify reliable equivalent scores for the science content area of the statewide student assessment. After the first scores are established, the state board may increase but not decrease the scores required for students to meet or exceed the state standards.

(ii) ~~((Until August 31, 2008, a student's score on the mathematics portion of the PSAT may be used as an objective alternative assessment under this section for demonstrating that a student has met or exceeded the state standard for the certificate of academic achievement. The state board of education shall identify the score students must achieve on the mathematics portion of the PSAT to meet or exceed the state standard in that content area on the Washington assessment of student learning.~~

(iii)) A student who scores at least a three on the grading scale of one to five for selected AP examinations may use the score as an objective alternative assessment under this section for demonstrating that a student has met or exceeded state standards for the certificate of academic achievement. A score of three on the AP examinations in calculus or statistics may be used as an alternative assessment for the mathematics portion of the ~~((Washington)) statewide student assessment ((of student learning))~~. A score of three on the AP examinations in English language and composition may be used as an alternative assessment for the writing portion of the ~~((Washington)) statewide student assessment ((of student learning))~~. A score of three on the AP examinations in English literature and composition, macroeconomics, microeconomics, psychology, United States history, world history, United States government and politics, or comparative government and politics may be used as an alternative assessment for the reading portion of the ~~((Washington)) statewide student assessment ((of student learning))~~. A score of three on the AP examination in biology, physics, chemistry, or environmental science may be used as an alternative assessment for the science portion of the statewide student assessment.

(11) By December 15, 2004, the house of representatives and senate education committees shall obtain information and conclusions from recognized,

independent, national assessment experts regarding the validity and reliability of the high school Washington assessment of student learning for making individual student high school graduation determinations.

(12) To help assure continued progress in academic achievement as a foundation for high school graduation and to assure that students are on track for high school graduation, each school district shall prepare plans for and notify students and their parents or legal guardians as provided in this subsection. Student learning plans are required for eighth grade students who were not successful on any or all of the content areas of the state assessment during the previous school year or who may not be on track to graduate due to credit deficiencies or absences. The parent or legal guardian shall be notified about the information in the student learning plan, preferably through a parent conference and at least annually. To the extent feasible, schools serving English language learner students and their parents shall translate the plan into the primary language of the family. The plan shall include the following information as applicable:

- (a) The student's results on the state assessment;
- (b) If the student is in the transitional bilingual program, the score on his or her Washington language proficiency test II;
- (c) Any credit deficiencies;
- (d) The student's attendance rates over the previous two years;
- (e) The student's progress toward meeting state and local graduation requirements;
- (f) The courses, competencies, and other steps needed to be taken by the student to meet state academic standards and stay on track for graduation;
- (g) Remediation strategies and alternative education options available to students, including informing students of the option to continue to receive instructional services after grade twelve or until the age of twenty-one;
- (h) The alternative assessment options available to students under this section and RCW 28A.655.065;
- (i) School district programs, high school courses, and career and technical education options available for students to meet graduation requirements; and
- (j) Available programs offered through skill centers or community and technical colleges, including the college high school diploma options under RCW 28B.50.535.

**NEW SECTION. Sec. 3.** A new section is added to chapter 28A.655 RCW to read as follows:

(1) Beginning in the 2011-12 school year, the statewide high school assessment in science shall be an end-of-course assessment for biology that measures the state standards for life sciences, in addition to systems, inquiry, and application as they pertain to life sciences.

(2) The superintendent of public instruction may develop science end-of-course assessments in subjects in addition to biology for purposes of RCW 28A.655.061, when so directed by the legislature.

(3) The superintendent of public instruction may participate with consortia of multiple states as common student learning standards and assessments in science are developed. The superintendent of public instruction, in consultation with the state board of education, may modify the essential academic learning requirements and statewide student assessments in science, including the high



school assessment, according to the multistate common student learning standards and assessments as long as the education committees of the legislature have opportunities for review before the modifications are adopted, as provided under RCW 28A.655.070.

(4) The statewide high school assessment under this section shall be used to demonstrate that a student meets the state standards in the science content area of the statewide student assessment for purposes of RCW 28A.655.061.

Passed by the House May 25, 2011.

Passed by the Senate May 25, 2011.

Approved by the Governor June 7, 2011.

Filed in Office of Secretary of State June 8, 2011.

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### CHAPTER 23

[Engrossed Substitute House Bill 1449]

#### EDUCATOR CERTIFICATES—CERTIFICATION FEES

AN ACT Relating to establishing a processing fee for educator certificates and subsequent actions; adding a new section to chapter 28A.410 RCW; providing an effective date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION. Sec. 1.** A new section is added to chapter 28A.410 RCW to read as follows:

(1) The legislature finds that the current economic environment requires that the state, when appropriate, charge for some of the services provided directly to the users of those services. The office of the superintendent of public instruction is currently supported with state funds to process certification fees. In addition, the legislature finds that the processing of certifications should be moved to an online system that allows educators to manage their certifications and provides better information to policymakers. The legislature intends to assess a certification processing fee to eliminate state-funded support of the cost to issue educator certificates.

(2) In addition to the certification fee established under RCW 28A.410.060, the superintendent of public instruction shall charge an application processing fee for initial educator certificates and subsequent actions. The superintendent of public instruction shall establish the amount of the fee by rule under chapter 34.05 RCW. The superintendent shall set the fee at a sufficient level to defray the costs of administering the educator certification program under RCW 28A.300.040(9). Revenue generated through the processing fee shall be deposited in the educator certification processing account.

(3) The educator certification processing account is established in the custody of the state treasurer. The superintendent of public instruction shall deposit in the account all moneys received from the fees collected in subsection (2) of this section. Moneys in the account may be spent only for the processing of educator certificates and subsequent actions. Disbursements from the account shall be on authorization of the superintendent of public instruction or the superintendent's designee. The account is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements.

NEW SECTION. **Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2011.

Passed by the House May 22, 2011.

Passed by the Senate May 20, 2011.

Approved by the Governor June 7, 2011.

Filed in Office of Secretary of State June 8, 2011.

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## CHAPTER 24

[Substitute House Bill 2119]

### REAL PROPERTY—NOTICES OF DEFAULT—BENEFICIARIES—ONE-TIME PAYMENT

AN ACT Relating to sums due by beneficiaries for reporting certain notices of default; amending RCW 61.24.—; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

**Sec. 1.** RCW 61.24.— and 2011 c 58 s 12 are each amended to read as follows:

(1) Except as provided in subsection (4) of this section, beginning October 1, 2011, and every quarter thereafter, every beneficiary issuing notices of default, or directing that a trustee or authorized agent issue the notice of default, on owner-occupied residential real property under this chapter must:

(a) Report to the department the number of owner-occupied residential real properties for which the beneficiary has issued a notice of default during the previous quarter; and

(b) Remit the amount required under subsection (2) of this section.

(2) For each owner-occupied residential real property for which a notice of default has been issued, the beneficiary issuing the notice of default, or directing that a trustee or authorized agent issue the notice of default, shall remit two hundred fifty dollars to the department to be deposited, as provided under RCW 61.24.— (section 11, chapter 58, Laws of 2011), into the foreclosure fairness account. The two hundred fifty dollar payment is required per property and not per notice of default. The beneficiary shall remit the total amount required in a lump sum each quarter.

(3) No later than thirty days after April 14, 2011, the beneficiaries required to report and remit to the department under this section shall determine the number of owner-occupied residential real properties for which notices of default were issued during the three months prior to April 14, 2011. The beneficiary shall remit to the department a one-time sum of two hundred fifty dollars multiplied by the number of properties. In addition, by July 31, 2011, the beneficiaries required to report and remit to the department under this section shall remit to the department another one-time sum of two hundred fifty dollars multiplied by the number of owner-occupied residential real properties for which notices of default were issued from April 14, 2011, through June 30, 2011. The department shall deposit the funds into the foreclosure fairness account as provided under RCW 61.24.—(section 11, chapter 58, Laws of 2011).

(4) This section does not apply to any beneficiary or loan servicer that is a federally insured depository institution, as defined in 12 U.S.C. Sec. 461(b)(1)(A), and that certifies under penalty of perjury that it has issued, or has

directed a trustee or authorized agent to issue, fewer than two hundred fifty notices of default in the preceding year.

(5) This section does not apply to association beneficiaries subject to chapter 64.32, 64.34, or 64.38 RCW.

**NEW SECTION. Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Passed by the House May 21, 2011.

Passed by the Senate May 24, 2011.

Approved by the Governor June 7, 2011.

Filed in Office of Secretary of State June 8, 2011.

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## CHAPTER 25

[Engrossed Substitute Senate Bill 5091]

### FAMILY LEAVE INSURANCE PROGRAM—DELAY OF IMPLEMENTATION

AN ACT Relating to delaying the implementation of the family leave insurance program; and amending RCW 49.86.030 and 49.86.210.

Be it enacted by the Legislature of the State of Washington:

**Sec. 1.** RCW 49.86.030 and 2009 c 544 s 1 are each amended to read as follows:

Beginning October 1, (~~(2012)~~) 2015, family leave insurance benefits are payable to an individual during a period in which the individual is unable to perform his or her regular or customary work because he or she is on family leave if the individual:

(1) Files a claim for benefits in each week in which the individual is on family leave, and as required by rules adopted by the director;

(2) Has been employed for at least six hundred eighty hours in employment during the individual's qualifying year;

(3) Establishes an application year. An application year may not be established if the qualifying year includes hours worked before establishment of a previous application year;

(4) Consents to the disclosure of information or records deemed private and confidential under chapter 50.13 RCW. Initial disclosure of this information and these records by the employment security department to the department is solely for purposes related to the administration of this chapter. Further disclosure of this information or these records is subject to RCW 49.86.020(3);

(5) Discloses whether or not he or she owes child support obligations as defined in RCW 50.40.050; and

(6) Documents that he or she has provided the employer from whom family leave is to be taken with written notice of the individual's intention to take family leave in the same manner as an employee is required to provide notice in RCW 49.78.250.

**Sec. 2.** RCW 49.86.210 and 2009 c 544 s 2 are each amended to read as follows:

Beginning September 1, (~~(2013)~~) 2016, the department shall report to the legislature by September 1st of each year on projected and actual program participation, premium rates, fund balances, and outreach efforts.

Passed by the Senate May 25, 2011.  
Passed by the House May 25, 2011.  
Approved by the Governor June 7, 2011.  
Filed in Office of Secretary of State June 8, 2011.

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**CHAPTER 26**

[Senate Bill 5289]

**BUSINESS AND OCCUPATION TAX DEDUCTION—  
PROPERTY MANAGEMENT COMPANIES**

AN ACT Relating to a business and occupation tax deduction for payments made to certain property management companies for personnel performing on-site functions; adding a new section to chapter 82.04 RCW; creating a new section; and repealing RCW 82.04.394.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION. Sec. 1.** A new section is added to chapter 82.04 RCW to read as follows:

(1) In computing tax due under this chapter, there may be deducted from the measure of tax all amounts received by:

(a) A nonprofit property management company from the owner of property for gross wages, benefits, and payroll taxes paid to, or for, personnel performing on-site functions;

(b) A property management company from a housing authority for gross wages, benefits, and payroll taxes paid to, or for, personnel performing on-site functions; or

(c) A property management company from a limited liability company or limited partnership of which the sole managing member or sole general partner is a housing authority for gross wages, benefits, and payroll taxes paid to, or for, personnel performing on-site functions.

(2) The definitions in this subsection apply to this section.

(a) "Personnel performing on-site functions" means a person who meets all of the following conditions:

(i) The person works at the owner's property or centrally performs on-site functions for the property;

(ii) The person's duties include leasing property units, maintaining the property, preparing tenant income certification paperwork or other compliance documents required to lease the unit, collecting rents, recording rents, or performing similar activities; and

(iii) The property management company, for whom the personnel performing on-site functions works, operates under a written property management agreement.

(b) "Nonprofit property management company" means a property management company that:

(i) Is exempt from the tax under 26 U.S.C. Sec. 501(c) of the federal internal revenue code, as it exists on January 1, 2010, but only when such organization is providing property management services for low-income housing that has qualified for the property tax exemption under RCW 84.36.560; or

(ii) Is a public corporation established under RCW 35.21.730.

(c) "Housing authority" means a housing authority created pursuant to chapter 35.82 RCW.

**NEW SECTION. Sec. 2.** RCW 82.04.394 (Exemptions—Amounts received by property management company for on-site personnel) and 2010 1st sp.s. c 23 s 1202, 2010 c 106 s 209, & 1998 c 338 s 2 are each repealed.

**NEW SECTION. Sec. 3.** This act does not affect any existing right acquired or liability or obligation incurred under the sections amended or repealed in this act or under any rule or order adopted under those sections, nor does it affect any proceeding instituted under those sections.

Passed by the Senate April 28, 2011.

Passed by the House May 22, 2011.

Approved by the Governor June 7, 2011.

Filed in Office of Secretary of State June 8, 2011.

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## CHAPTER 27

[Engrossed Substitute Senate Bill 5919]

### EDUCATION FUNDING

AN ACT Relating to education funding; amending RCW 28A.150.220, 28A.150.260, 28A.160.192, 28A.300.380, 28A.630.016, and 28A.655.061; repealing 2010 c 236 s 1 (uncodified); providing an effective date; providing an expiration date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

**Sec. 1.** RCW 28A.150.220 and 2009 c 548 s 104 are each amended to read as follows:

(1) In order for students to have the opportunity to develop the basic education knowledge and skills under RCW 28A.150.210, school districts must provide instruction of sufficient quantity and quality and give students the opportunity to complete graduation requirements that are intended to prepare them for postsecondary education, gainful employment, and citizenship. The program established under this section shall be the minimum instructional program of basic education offered by school districts.

(2) Each school district shall make available to students the following minimum instructional offering each school year:

(a) For students enrolled in grades one through twelve, at least a district-wide annual average of one thousand hours, which shall be increased to at least one thousand eighty instructional hours for students enrolled in each of grades seven through twelve and at least one thousand instructional hours for students in each of grades one through six according to an implementation schedule adopted by the legislature, but not before the 2014-15 school year; and

(b) For students enrolled in kindergarten, at least four hundred fifty instructional hours, which shall be increased to at least one thousand instructional hours according to the implementation schedule under RCW 28A.150.315.

(3) The instructional program of basic education provided by each school district shall include:

(a) Instruction in the essential academic learning requirements under RCW 28A.655.070;

(b) Instruction that provides students the opportunity to complete twenty-four credits for high school graduation, subject to a phased-in implementation of the twenty-four credits as established by the legislature. Course distribution requirements may be established by the state board of education under RCW 28A.230.090;

(c) If the essential academic learning requirements include a requirement of languages other than English, the requirement may be met by students receiving instruction in one or more American Indian languages;

(d) Supplemental instruction and services for underachieving students through the learning assistance program under RCW 28A.165.005 through 28A.165.065;

(e) Supplemental instruction and services for eligible and enrolled students whose primary language is other than English through the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080;

(f) The opportunity for an appropriate education at public expense as defined by RCW 28A.155.020 for all eligible students with disabilities as defined in RCW 28A.155.020; and

(g) Programs for highly capable students under RCW 28A.185.010 through 28A.185.030.

(4) Nothing contained in this section shall be construed to require individual students to attend school for any particular number of hours per day or to take any particular courses.

(5) Each school district's kindergarten through twelfth grade basic educational program shall be accessible to all students who are five years of age, as provided by RCW 28A.225.160, and less than twenty-one years of age and shall consist of a minimum of one hundred eighty school days per school year in such grades as are conducted by a school district, and one hundred eighty half-days of instruction, or equivalent, in kindergarten, to be increased to a minimum of one hundred eighty school days per school year according to the implementation schedule under RCW 28A.150.315. However, effective May 1, 1979, a school district may schedule the last five school days of the one hundred and eighty day school year for noninstructional purposes in the case of students who are graduating from high school, including, but not limited to, the observance of graduation and early release from school upon the request of a student, and all such students may be claimed as a full-time equivalent student to the extent they could otherwise have been so claimed for the purposes of RCW 28A.150.250 and 28A.150.260.

(6) Nothing in this section precludes a school district from enriching the instructional program of basic education, such as offering additional instruction or providing additional services, programs, or activities that the school district determines to be appropriate for the education of the school district's students.

(7) The state board of education shall adopt rules to implement and ensure compliance with the program requirements imposed by this section, RCW 28A.150.250 and 28A.150.260, and such related supplemental program approval requirements as the state board may establish.

**Sec. 2.** RCW 28A.150.260 and 2010 c 236 s 2 are each amended to read as follows:

The purpose of this section is to provide for the allocation of state funding that the legislature deems necessary to support school districts in offering the minimum instructional program of basic education under RCW 28A.150.220. The allocation shall be determined as follows:

(1) The governor shall and the superintendent of public instruction may recommend to the legislature a formula for the distribution of a basic education instructional allocation for each common school district.

(2) The distribution formula under this section shall be for allocation purposes only. Except as may be required under chapter 28A.155, 28A.165, 28A.180, or 28A.185 RCW, or federal laws and regulations, nothing in this section requires school districts to use basic education instructional funds to implement a particular instructional approach or service. Nothing in this section requires school districts to maintain a particular classroom teacher-to-student ratio or other staff-to-student ratio or to use allocated funds to pay for particular types or classifications of staff. Nothing in this section entitles an individual teacher to a particular teacher planning period.

(3)(a) To the extent the technical details of the formula have been adopted by the legislature and except when specifically provided as a school district allocation, the distribution formula for the basic education instructional allocation shall be based on minimum staffing and nonstaff costs the legislature deems necessary to support instruction and operations in prototypical schools serving high, middle, and elementary school students as provided in this section. The use of prototypical schools for the distribution formula does not constitute legislative intent that schools should be operated or structured in a similar fashion as the prototypes. Prototypical schools illustrate the level of resources needed to operate a school of a particular size with particular types and grade levels of students using commonly understood terms and inputs, such as class size, hours of instruction, and various categories of school staff. It is the intent that the funding allocations to school districts be adjusted from the school prototypes based on the actual number of annual average full-time equivalent students in each grade level at each school in the district and not based on the grade-level configuration of the school to the extent that data is available. The allocations shall be further adjusted from the school prototypes with minimum allocations for small schools and to reflect other factors identified in the omnibus appropriations act.

(b) For the purposes of this section, prototypical schools are defined as follows:

(i) A prototypical high school has six hundred average annual full-time equivalent students in grades nine through twelve;

(ii) A prototypical middle school has four hundred thirty-two average annual full-time equivalent students in grades seven and eight; and

(iii) A prototypical elementary school has four hundred average annual full-time equivalent students in grades kindergarten through six.

(4)(a) The minimum allocation for each level of prototypical school shall be based on the number of full-time equivalent classroom teachers needed to provide instruction over the minimum required annual instructional hours under RCW 28A.150.220 and provide at least one teacher planning period per school

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day, and based on the following general education average class size of full-time equivalent students per teacher:

	General education average class size
Grades K-3 .....	25.23
Grade 4 .....	27.00
Grades 5-6 .....	27.00
Grades 7-8 .....	28.53
Grades 9-12 .....	28.74

(b) During the 2011-2013 biennium and beginning with schools with the highest percentage of students eligible for free and reduced-price meals in the prior school year, the general education average class size for grades K-3 shall be reduced until the average class size funded under this subsection (4) is no more than 17.0 full-time equivalent students per teacher beginning in the 2017-18 school year.

(c) The minimum allocation for each prototypical middle and high school shall also provide for full-time equivalent classroom teachers based on the following number of full-time equivalent students per teacher in career and technical education:

	Career and technical education average class size
Approved career and technical education offered at the middle school and high school level .....	26.57
Skill center programs meeting the standards established by the office of the superintendent of public instruction .....	22.76

(d) In addition, the omnibus appropriations act shall at a minimum specify:

(i) A high-poverty average class size in schools where more than fifty percent of the students are eligible for free and reduced-price meals; and

(ii) A specialty average class size for laboratory science, advanced placement, and international baccalaureate courses.

(5) The minimum allocation for each level of prototypical school shall include allocations for the following types of staff in addition to classroom teachers:

	Elementary School	Middle School	High School
Principals, assistant principals, and other certificated building-level administrators	1.253	1.353	1.880
Teacher librarians, a function that includes information literacy, technology, and media to support school library media programs	0.663	0.519	0.523



Health and social services:			
School nurses	0.076	0.060	0.096
Social workers	0.042	0.006	0.015
Psychologists	0.017	0.002	0.007
Guidance counselors, a function that includes parent outreach and graduation advising	0.493	1.116	1.909
Teaching assistance, including any aspect of educational instructional services provided by classified employees	0.936	0.700	0.652
Office support and other noninstructional aides	2.012	2.325	3.269
Custodians	1.657	1.942	2.965
Classified staff providing student and staff safety	0.079	0.092	0.141
Parent involvement coordinators	0.00	0.00	0.00

(6)(a) The minimum staffing allocation for each school district to provide district-wide support services shall be allocated per one thousand annual average full-time equivalent students in grades K-12 as follows:

	Staff per 1,000 K-12 students
Technology . . . . .	0.628
Facilities, maintenance, and grounds . . . . .	1.813
Warehouse, laborers, and mechanics . . . . .	0.332

(b) The minimum allocation of staff units for each school district to support certificated and classified staffing of central administration shall be 5.30 percent of the staff units generated under subsections (4)(a) and (b) and (5) of this section and (a) of this subsection.

(7) The distribution formula shall include staffing allocations to school districts for career and technical education and skill center administrative and other school-level certificated staff, as specified in the omnibus appropriations act.

(8)(a) Except as provided in (b) of this subsection, the minimum allocation for each school district shall include allocations per annual average full-time equivalent student for the following materials, supplies, and operating costs, to be adjusted for inflation from the 2008-09 school year:

	Per annual average full-time equivalent student in grades K-12
Technology . . . . .	\$54.43
Utilities and insurance . . . . .	\$147.90
Curriculum and textbooks . . . . .	\$58.44
Other supplies and library materials . . . . .	\$124.07

Instructional professional development for certified and classified staff . . . . .	\$9.04
Facilities maintenance. . . . .	\$73.27
Security and central office . . . . .	\$50.76

(b) During the 2011-2013 biennium, the minimum allocation for maintenance, supplies, and operating costs shall be increased as specified in the omnibus appropriations act. The following allocations, adjusted for inflation from the 2007-08 school year, are provided in the 2015-16 school year, after which the allocations shall be adjusted annually for inflation as specified in the omnibus appropriations act:

	Per annual average full-time equivalent student in grades K-12
Technology . . . . .	\$113.80
Utilities and insurance. . . . .	\$309.21
Curriculum and textbooks. . . . .	\$122.17
Other supplies and library materials . . . . .	\$259.39
Instructional professional development for certificated and classified staff . . . . .	\$18.89
Facilities maintenance. . . . .	\$153.18
Security and central office administration . . . . .	\$106.12

(9) In addition to the amounts provided in subsection (8) of this section, the omnibus appropriations act shall provide an amount based on full-time equivalent student enrollment in each of the following:

- (a) Exploratory career and technical education courses for students in grades seven through twelve;
- (b) Laboratory science courses for students in grades nine through twelve;
- (c) Preparatory career and technical education courses for students in grades nine through twelve offered in a high school; and
- (d) Preparatory career and technical education courses for students in grades eleven and twelve offered through a skill center.

(10) In addition to the allocations otherwise provided under this section, amounts shall be provided to support the following programs and services:

(a) To provide supplemental instruction and services for underachieving students through the learning assistance program under RCW 28A.165.005 through 28A.165.065, allocations shall be based on the district percentage of students in grades K-12 who were eligible for free or reduced-price meals in the prior school year. The minimum allocation for the program shall provide for each level of prototypical school resources to provide, on a statewide average, 1.5156 hours per week in extra instruction with a class size of fifteen learning assistance program students per teacher.

(b) To provide supplemental instruction and services for students whose primary language is other than English, allocations shall be based on the head count number of students in each school who are eligible for and enrolled in the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080. The minimum allocation for each level of prototypical school shall provide resources to provide, on a statewide average, 4.7780 hours per

week in extra instruction with fifteen transitional bilingual instruction program students per teacher. Notwithstanding other provisions of this subsection (10), the actual per-student allocation may be scaled to provide a larger allocation for students needing more intensive intervention and a commensurate reduced allocation for students needing less intensive intervention, as detailed in the omnibus appropriations act.

(c) To provide additional allocations to support programs for highly capable students under RCW 28A.185.010 through 28A.185.030, allocations shall be based on two and three hundred fourteen one-thousandths percent of each school district's full-time equivalent basic education enrollment. The minimum allocation for the programs shall provide resources to provide, on a statewide average, 2.1590 hours per week in extra instruction with fifteen highly capable program students per teacher.

(11) The allocations under subsections (4)(a) and (b), (5), (6), and (8) of this section shall be enhanced as provided under RCW 28A.150.390 on an excess cost basis to provide supplemental instructional resources for students with disabilities.

(12)(a) For the purposes of allocations for prototypical high schools and middle schools under subsections (4) and (10) of this section that are based on the percent of students in the school who are eligible for free and reduced-price meals, the actual percent of such students in a school shall be adjusted by a factor identified in the omnibus appropriations act to reflect underreporting of free and reduced-price meal eligibility among middle and high school students.

(b) Allocations or enhancements provided under subsections (4), (7), and (9) of this section for exploratory and preparatory career and technical education courses shall be provided only for courses approved by the office of the superintendent of public instruction under chapter 28A.700 RCW.

(13)(a) This formula for distribution of basic education funds shall be reviewed biennially by the superintendent and governor. The recommended formula shall be subject to approval, amendment or rejection by the legislature.

(b) In the event the legislature rejects the distribution formula recommended by the governor, without adopting a new distribution formula, the distribution formula for the previous school year shall remain in effect.

(c) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the first school day of each month, including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. The definition of full-time equivalent student shall be determined by rules of the superintendent of public instruction and shall be included as part of the superintendent's biennial budget request. The definition shall be based on the minimum instructional hour offerings required under RCW 28A.150.220. Any revision of the present definition shall not take effect until approved by the house ways and means committee and the senate ways and means committee.

(d) The office of financial management shall make a monthly review of the superintendent's reported full-time equivalent students in the common schools in conjunction with RCW 43.62.050.

**Sec. 3.** RCW 28A.160.192 and 2010 c 236 s 8 are each amended to read as follows:

(1) The superintendent of public instruction shall phase-in the implementation of the distribution formula under this chapter for allocating state funds to school districts for the transportation of students to and from school. The phase-in shall begin no later than the 2011-2013 biennium and be fully implemented by the 2013-2015 biennium.

(a) The formula must be developed and revised on an ongoing basis using the major cost factors in student transportation, including basic and special student loads, school district land area, average distance to school, roadway miles, and number of locations served. Factors must include all those site characteristics that are statistically significant after analysis of the data required by the revised reporting process.

(b) The formula must allocate funds to school districts based on the average predicted costs of transporting students to and from school, using a regression analysis. Only factors that are statistically significant shall be used in the regression analysis. Employee compensation costs included in the allowable transportation expenditures used for the purpose of establishing each school district's independent variable in the regression analysis shall be limited to the base salary or hourly wage rates, fringe benefit rates, and applicable health care rates provided in the omnibus appropriations act.

(2) During the phase-in period, funding provided to school districts for student transportation operations shall be distributed on the following basis:

(a) Annually, each school district shall receive the lesser of the previous school year's pupil transportation operations allocation, or the total of allowable pupil transportation expenditures identified on the previous school year's final expenditure report to the state plus district indirect expenses using the ~~((state recovery))~~ federal restricted indirect rate ((identified by the superintendent)) as calculated in the district annual financial report; ((and))

(b) Annually, the amount identified in (a) of this subsection shall be adjusted for any budgeted increases provided in the omnibus appropriations act for salaries or fringe benefits;

(c) Annually, any funds appropriated by the legislature in excess of the maintenance level funding amount for student transportation shall be distributed among school districts on a prorated basis using the difference between the amount identified in (a) adjusted by (b) of this subsection and the amount determined under the formula in RCW 28A.160.180; and

(d) Allocations provided to recognize the cost of depreciation to districts contracting with private carriers for student transportation shall be deducted from the allowable transportation expenditures in (a) of this subsection.

**Sec. 4.** RCW 28A.300.380 and 2010 1st sp.s. c 37 s 913 are each amended to read as follows:

(1) To the extent funds are available, the superintendent of public instruction shall maintain support for statewide coordination for career and technical student organizations by providing program staff support that is available to assist in meeting the needs of career and technical student organizations and their members and students. The superintendent may provide additional support to the organizations through contracting with independent coordinators.

(2) Career and technical student organizations eligible for technical assistance and other support services under this section are organizations recognized as career and technical student organizations by:

- (a) The United States department of education; or
- (b) The superintendent of public instruction, if such recognition is recommended by the Washington association for career and technical education.
- (3) Career and technical student organizations eligible for technical assistance and other support services under this section include, but are not limited to: The national FFA organization; family, career, and community leaders of America; skillsUSA; distributive education clubs of America; future business leaders of America; and the technology student association.

**Sec. 5.** RCW 28A.630.016 and 2007 c 522 s 959 are each amended to read as follows:

(1)(a) Research has shown that early, intensive interventions can significantly improve reading, written language, and mathematics skills for children who are struggling academically. This early research-based assistance has been successful in reducing the number of children who require specialized programs. Research further suggests that the disabilities of many students with mild and moderate disabilities are correctable through strategic early intervention and the students do not necessitate special education eligibility. However, by being effective in reducing the number of students eligible for these programs, school district funding is reduced.

(b) The purpose of the program in this section is to continue support to the existing pilot districts and to encourage other school districts to participate as pilot districts to improve the implementation of high quality general education research-based core instructional programs to meet the needs of students struggling academically, while reducing the number of students inappropriately referred and placed in special education under the specific learning disability eligibility category because of ineffective instructional practices. This will allow special education programs to concentrate specially designed instruction on students who truly require special education services. The goal of this assistance is to effectively address reading, written language, and mathematics difficulties resulting in a substantially greater proportion of students meeting the progressively increasing performance standards for both the aggregate and disaggregated subgroups under federal law.

(c) The participating pilot districts implementing the special services pilot program have met the goals of the pilot program resulting in (i) a substantial number of underachieving students meeting the progressively increasing reading performance standards and (ii) a reduction in the number of children who require special education.

(2) Seven school districts may participate in the special services pilot program, including two school districts already participating and five additional school districts. The special services pilot program shall begin in the 2007-08 school year and conclude in the 2010-11 school year.

(3) School districts participating in the pilot program shall receive state special education funding in accordance with state special education funding formulas and a separate pilot program appropriation from sources other than special education funds. The separate appropriation shall be: (a) The school district's estimated state special education funding for the current year based on the school district's average percentage of students age three through twenty-one who were eligible for special education services for the school year before participation as a pilot program as reported to the office of the superintendent of

public instruction; minus (b) the school district's actual state special education funding based on the district's current percentage of students age three through twenty-one eligible for special education services as reported to ~~((the office of))~~ the office of the superintendent of public instruction.

The superintendent shall adjust the factors in (a) of this subsection for one or more participating school districts, where legislative changes to the special education funding formula impact the funding mechanism of this program.

(4) Participation in the pilot program shall not increase or decrease a district's ability to access the safety net for high-cost students by virtue of the district's participation in the program. Districts participating in the pilot program shall have access to the special education safety net using a modified application approach for the office of the superintendent of public instruction demonstration of financial need. The superintendent shall create a modified application to include all special education revenues received by the district, all pilot program funding, expenditures for students with individual education programs, and expenditures for students generating pilot program revenue. Districts participating in the pilot program that seek safety net funding shall convincingly demonstrate to the safety net committee that any change in demonstrated need is not attributable to their participation in this pilot program.

(5) School districts participating in the program must agree to:

(a) Implement the program as part of the school district's general education curriculum for all students;

(b) Use a multitiered service delivery system to provide scientific research-based instructional interventions addressing individual student needs in the areas of reading, written language, or mathematics;

(c) Develop and implement an assessment system to conduct universal screening, progress monitoring, targeted assessments, and outcome assessments to identify the reading, written language, or mathematics needs of each student and to monitor student progress;

(d) Incorporate student-specific data obtained through the pilot program when conducting an evaluation to determine if the student has a disability;

(e) Assure that parents are informed of: The amount and nature of student performance data that is collected and the general education services that are provided; the strategies for increasing the student's rate of learning; the parents' right to make a referral for special education evaluation if they suspect the student has a disability; and the parents' right to have input into designed interventions;

(f) Assure that parents are provided assessments of achievement at reasonable intervals addressing student progress during instruction;

(g) Actively engage parents as partners in the learning process;

(h) Comply with state special education requirements; and

(i) Participate and provide staff expertise in the design and implementation of an evaluation of the program as determined by the superintendent of public instruction. Districts shall annually review and report progress, including objective measures or indicators that show the progress towards achieving the purpose and goal of the program, to the office of the superintendent of public instruction.

(6) By December 15, 2010, the superintendent of public instruction shall submit a report to the governor and appropriate committees of the legislature

that summarizes the effectiveness of the pilot program in this section. The report shall also include a recommendation as to whether or not the pilot program should be continued, expanded, or otherwise modified.

(7) This section expires (~~June 30~~) March 1, 2011.

*\*Sec. 6. RCW 28A.655.061 and 2010 c 244 s 1 are each amended to read as follows:*

*(1) The high school assessment system shall include but need not be limited to the Washington assessment of student learning, opportunities for a student to retake the content areas of the assessment in which the student was not successful, and if approved by the legislature pursuant to subsection (10) of this section, one or more objective alternative assessments for a student to demonstrate achievement of state academic standards. The objective alternative assessments for each content area shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning for each content area.*

*(2) Subject to the conditions in this section, a certificate of academic achievement shall be obtained by most students at about the age of sixteen, and is evidence that the students have successfully met the state standard in the content areas included in the certificate. With the exception of students satisfying the provisions of RCW 28A.155.045 or 28A.655.0611, acquisition of the certificate is required for graduation from a public high school but is not the only requirement for graduation.*

*(3) Beginning with the graduating class of 2008, with the exception of students satisfying the provisions of RCW 28A.155.045, a student who meets the state standards on the reading, writing, and mathematics content areas of the high school Washington assessment of student learning shall earn a certificate of academic achievement. If a student does not successfully meet the state standards in one or more content areas required for the certificate of academic achievement, then the student may retake the assessment in the content area up to four times at no cost to the student. If the student successfully meets the state standards on a retake of the assessment then the student shall earn a certificate of academic achievement. Once objective alternative assessments are authorized pursuant to subsection (10) of this section, a student may use the objective alternative assessments to demonstrate that the student successfully meets the state standards for that content area if the student has taken the Washington assessment of student learning at least once. If the student successfully meets the state standards on the objective alternative assessments then the student shall earn a certificate of academic achievement.*

*(4) Beginning (~~no later than~~) with the graduating class of (~~2013~~) 2015, a student must meet the state standards in science in addition to the other content areas required under subsection (3) of this section on the Washington assessment of student learning or the objective alternative assessments in order to earn a certificate of academic achievement. The state board of education may adopt a rule that implements the requirements of this subsection (4) beginning with a graduating class before the graduating class of 2013, if the state board of education adopts the rule by September 1st of the freshman school year of the graduating class to which the requirements of this subsection (4) apply. The state board of education's authority under this*

*subsection (4) does not alter the requirement that any change in performance standards for the tenth grade assessment must comply with RCW 28A.305.130.*

*(5) The state board of education may not require the acquisition of the certificate of academic achievement for students in home-based instruction under chapter 28A.200 RCW, for students enrolled in private schools under chapter 28A.195 RCW, or for students satisfying the provisions of RCW 28A.155.045.*

*(6) A student may retain and use the highest result from each successfully completed content area of the high school assessment.*

*(7) School districts must make available to students the following options:*

*(a) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a public school; or*

*(b) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a high school completion program at a community or technical college. The superintendent of public instruction and the state board for community and technical colleges shall jointly identify means by which students in these programs can be assessed.*

*(8) Students who achieve the standard in a content area of the high school assessment but who wish to improve their results shall pay for retaking the assessment, using a uniform cost determined by the superintendent of public instruction.*

*(9) Opportunities to retake the assessment at least twice a year shall be available to each school district.*

*(10)(a) The office of the superintendent of public instruction shall develop options for implementing objective alternative assessments, which may include an appeals process for students' scores, for students to demonstrate achievement of the state academic standards. The objective alternative assessments shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning and be objective in its determination of student achievement of the state standards. Before any objective alternative assessments in addition to those authorized in RCW 28A.655.065 or (b) of this subsection are used by a student to demonstrate that the student has met the state standards in a content area required to obtain a certificate, the legislature shall formally approve the use of any objective alternative assessments through the omnibus appropriations act or by statute or concurrent resolution.*

*(b)(i) A student's score on the mathematics, reading or English, or writing portion of the SAT or the ACT may be used as an objective alternative assessment under this section for demonstrating that a student has met or exceeded the state standards for the certificate of academic achievement. The state board of education shall identify the scores students must achieve on the relevant portion of the SAT or ACT to meet or exceed the state standard in the relevant content area on the Washington assessment of student learning. The state board of education shall identify the first scores by December 1, 2007. After the first scores are established, the state board may increase but not decrease the scores required for students to meet or exceed the state standards.*



*(ii) Until August 31, 2008, a student's score on the mathematics portion of the PSAT may be used as an objective alternative assessment under this section for demonstrating that a student has met or exceeded the state standard for the certificate of academic achievement. The state board of education shall identify the score students must achieve on the mathematics portion of the PSAT to meet or exceed the state standard in that content area on the Washington assessment of student learning.*

*(iii) A student who scores at least a three on the grading scale of one to five for selected AP examinations may use the score as an objective alternative assessment under this section for demonstrating that a student has met or exceeded state standards for the certificate of academic achievement. A score of three on the AP examinations in calculus or statistics may be used as an alternative assessment for the mathematics portion of the Washington assessment of student learning. A score of three on the AP examinations in English language and composition may be used as an alternative assessment for the writing portion of the Washington assessment of student learning. A score of three on the AP examinations in English literature and composition, macroeconomics, microeconomics, psychology, United States history, world history, United States government and politics, or comparative government and politics may be used as an alternative assessment for the reading portion of the Washington assessment of student learning.*

*(11) By December 15, 2004, the house of representatives and senate education committees shall obtain information and conclusions from recognized, independent, national assessment experts regarding the validity and reliability of the high school Washington assessment of student learning for making individual student high school graduation determinations.*

*(12) To help assure continued progress in academic achievement as a foundation for high school graduation and to assure that students are on track for high school graduation, each school district shall prepare plans for and notify students and their parents or legal guardians as provided in this subsection. Student learning plans are required for eighth grade students who were not successful on any or all of the content areas of the state assessment during the previous school year or who may not be on track to graduate due to credit deficiencies or absences. The parent or legal guardian shall be notified about the information in the student learning plan, preferably through a parent conference and at least annually. To the extent feasible, schools serving English language learner students and their parents shall translate the plan into the primary language of the family. The plan shall include the following information as applicable:*

- (a) The student's results on the state assessment;*
- (b) If the student is in the transitional bilingual program, the score on his or her Washington language proficiency test II;*
- (c) Any credit deficiencies;*
- (d) The student's attendance rates over the previous two years;*
- (e) The student's progress toward meeting state and local graduation requirements;*
- (f) The courses, competencies, and other steps needed to be taken by the student to meet state academic standards and stay on track for graduation;*

*(g) Remediation strategies and alternative education options available to students, including informing students of the option to continue to receive instructional services after grade twelve or until the age of twenty-one;*

*(h) The alternative assessment options available to students under this section and RCW 28A.655.065;*

*(i) School district programs, high school courses, and career and technical education options available for students to meet graduation requirements; and*

*(j) Available programs offered through skill centers or community and technical colleges, including the college high school diploma options under RCW 28B.50.535.*

\*Sec. 6 was vetoed. See message at end of chapter.

NEW SECTION. **Sec. 7.** 2010 c 236 s 1 (uncodified) is repealed.

NEW SECTION. **Sec. 8.** Sections 1 through 3 of this act take effect September 1, 2011.

NEW SECTION. **Sec. 9.** Sections 4 and 5 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

Passed by the Senate May 25, 2011.

Passed by the House May 25, 2011.

Approved by the Governor June 7, 2011, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State June 8, 2011.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Section 6, Engrossed Substitute Senate Bill 5919 entitled:

"AN ACT Relating to education funding."

Section 6 requires students in the graduating class of 2015, rather than 2013, to meet the state standard on the high school assessment in order to earn a certificate of academic achievement or certificate of individual achievement.

The House of Representatives delivered Engrossed Substitute House Bill 1410 containing a similar provision on May 25, 2011. That bill is among those I sign today.

For this reason, I have vetoed Section 6 of Engrossed Substitute Senate Bill 5919.

With the exception of Section 6, Engrossed Substitute Senate Bill 5919 is approved."

## CHAPTER 28

[Second Engrossed Senate Bill 5638]

### TAXING DISTRICTS - EXEMPTION

AN ACT Relating to the exemption of certain taxing districts; amending RCW 84.52.010, 84.52.010, 84.52.120, and 84.52.—; creating a new section; providing contingent effective dates; and providing an expiration date.

Be it enacted by the Legislature of the State of Washington:

**Sec. 1.** RCW 84.52.010 and 2009 c 551 s 7 are each amended to read as follows:

(1) Except as is permitted under RCW 84.55.050, all taxes ~~((shall))~~ must be levied or voted in specific amounts.

(2) The rate percent of all taxes for state and county purposes, and purposes of taxing districts coextensive with the county, ~~((shall))~~ must be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the county, as shown by the completed tax rolls of the county, and the rate percent of all taxes levied for purposes of taxing districts within any county ~~((shall))~~ must be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the taxing districts respectively.

(3) When a county assessor finds that the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.043 or 84.52.050, exceeds the limitations provided in either of these sections, the assessor ~~((shall))~~ must recompute and establish a consolidated levy in the following manner:

~~((+))~~ (a) The full certified rates of tax levy for state, county, county road district, and city or town purposes ~~((shall))~~ must be extended on the tax rolls in amounts not exceeding the limitations established by law; however any state levy ~~((shall))~~ takes precedence over all other levies and ~~((shall))~~ may not be reduced for any purpose other than that required by RCW 84.55.010. If, as a result of the levies imposed under RCW 36.54.130, 84.34.230, 84.52.069, 84.52.105, the portion of the levy by a metropolitan park district that was protected under RCW 84.52.120, 84.52.125, 84.52.135, and 84.52.140, the combined rate of regular property tax levies that are subject to the one percent limitation exceeds one percent of the true and fair value of any property, then these levies ~~((shall))~~ must be reduced as follows:

~~((+))~~ (i) The portion of the levy by a metropolitan park district that has a population of less than one hundred fifty thousand and is located in a county with a population of one million five hundred thousand or more that is protected under RCW 84.52.120 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(ii) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the levy imposed by a county under RCW 84.52.140 ~~((shall))~~ must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or ~~((shall))~~ must be eliminated;

~~((+))~~ (iii) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the portion of the levy by a fire protection district that is protected under RCW 84.52.125 ~~((shall))~~ must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or ~~((shall))~~ must be eliminated;

~~((+))~~ (iv) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the levy imposed by a county under RCW 84.52.135 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

~~((d))~~ (v) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the levy imposed by a ferry district under RCW 36.54.130 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

~~((e))~~ (vi) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the portion of the levy by a metropolitan park district with a population of one hundred fifty thousand or more that is protected under RCW 84.52.120 ~~((shall))~~ must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or ~~((shall))~~ must be eliminated;

~~((f))~~ (vii) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the levies imposed under RCW 84.34.230, 84.52.105, and any portion of the levy imposed under RCW 84.52.069 that is in excess of thirty cents per thousand dollars of assessed value, ~~((shall))~~ must be reduced on a pro rata basis until the combined rate no longer exceeds one percent of the true and fair value of any property or ~~((shall))~~ must be eliminated; and

~~((g))~~ (viii) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the thirty cents per thousand dollars of assessed value of tax levy imposed under RCW 84.52.069 ~~((shall))~~ must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated.

~~((z))~~ (b) The certified rates of tax levy subject to these limitations by all junior taxing districts imposing taxes on such property ~~((shall))~~ must be reduced or eliminated as follows to bring the consolidated levy of taxes on such property within the provisions of these limitations:

~~((a))~~ (i) First, the certified property tax levy rates of those junior taxing districts authorized under RCW 36.68.525, 36.69.145, 35.95A.100, and 67.38.130 ~~((shall))~~ must be reduced on a pro rata basis or eliminated;

~~((b))~~ (ii) Second, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of flood control zone districts ~~((shall))~~ must be reduced on a pro rata basis or eliminated;

~~((c))~~ (iii) Third, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of all other junior taxing districts, other than fire protection districts, regional fire protection service authorities, library districts, the first fifty cent per thousand dollars of assessed valuation levies for metropolitan park districts, and the first fifty cent per thousand dollars of assessed valuation levies for public hospital districts, ~~((shall))~~ must be reduced on a pro rata basis or eliminated;

~~((d))~~ (iv) Fourth, if the consolidated tax levy rate still exceeds these limitations, the first fifty cent per thousand dollars of assessed valuation levies for metropolitan park districts created on or after January 1, 2002, ~~((shall))~~ must be reduced on a pro rata basis or eliminated;

~~((e))~~ (v) Fifth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized to fire protection

districts under RCW 52.16.140 and 52.16.160 and regional fire protection service authorities under RCW 52.26.140(1) (b) and (c) (~~shall~~) must be reduced on a pro rata basis or eliminated; and

~~((#))~~ (vi) Sixth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized for fire protection districts under RCW 52.16.130, regional fire protection service authorities under RCW 52.26.140(1)(a), library districts, metropolitan park districts created before January 1, 2002, under their first fifty cent per thousand dollars of assessed valuation levy, and public hospital districts under their first fifty cent per thousand dollars of assessed valuation levy, (~~shall~~) must be reduced on a pro rata basis or eliminated.

**Sec. 2.** RCW 84.52.010 and 2011 c ... (EHB 1969) s 1 are each amended to read as follows:

(1) Except as is permitted under RCW 84.55.050, all taxes must be levied or voted in specific amounts.

(2) The rate percent of all taxes for state and county purposes, and purposes of taxing districts coextensive with the county, must be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the county, as shown by the completed tax rolls of the county, and the rate percent of all taxes levied for purposes of taxing districts within any county must be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the taxing districts respectively.

(3) When a county assessor finds that the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.043 or 84.52.050, exceeds the limitations provided in either of these sections, the assessor must recompute and establish a consolidated levy in the following manner:

(a) The full certified rates of tax levy for state, county, county road district, and city or town purposes must be extended on the tax rolls in amounts not exceeding the limitations established by law; however any state levy takes precedence over all other levies and may not be reduced for any purpose other than that required by RCW 84.55.010. If, as a result of the levies imposed under RCW 36.54.130, 84.34.230, 84.52.069, 84.52.105, the portion of the levy by a metropolitan park district that was protected under RCW 84.52.120, 84.52.125, 84.52.135, 84.52.140, and the protected portion of the levy under RCW 86.15.160 by flood control zone districts in a county with a population of seven hundred seventy-five thousand or more that are coextensive with a county, the combined rate of regular property tax levies that are subject to the one percent limitation exceeds one percent of the true and fair value of any property, then these levies must be reduced as follows:

(i) The portion of the levy by a metropolitan park district that has a population of less than one hundred fifty thousand and is located in a county with a population of one million five hundred thousand or more that is protected under RCW 84.52.120 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(ii) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the protected portion of the levy imposed under RCW 86.15.160 by a flood control zone district in a county with a population of seven hundred seventy-five thousand or more that is coextensive with a county must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

~~((iii))~~ (iii) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the levy imposed by a county under RCW 84.52.140 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

~~((iii))~~ (iv) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the portion of the levy by a fire protection district that is protected under RCW 84.52.125 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

~~((iv))~~ (v) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the levy imposed by a county under RCW 84.52.135 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

~~((v))~~ (vi) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the levy imposed by a ferry district under RCW 36.54.130 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

~~((vi))~~ (vii) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the portion of the levy by a metropolitan park district with a population of one hundred fifty thousand or more that is protected under RCW 84.52.120 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

~~((vii))~~ (viii) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the levies imposed under RCW 84.34.230, 84.52.105, and any portion of the levy imposed under RCW 84.52.069 that is in excess of thirty cents per thousand dollars of assessed value, must be reduced on a pro rata basis until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated; and

~~((viii))~~ (ix) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the thirty cents per thousand dollars of assessed value of tax levy imposed under RCW 84.52.069 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated.

(b) The certified rates of tax levy subject to these limitations by all junior taxing districts imposing taxes on such property must be reduced or eliminated

as follows to bring the consolidated levy of taxes on such property within the provisions of these limitations:

(i) First, the certified property tax levy rates of those junior taxing districts authorized under RCW 36.68.525, 36.69.145, 35.95A.100, and 67.38.130 must be reduced on a pro rata basis or eliminated;

(ii) Second, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of flood control zone districts (~~that have a population of seven hundred seventy five thousand or more~~) other than the portion of a levy protected under RCW 84.52.— (section 4 of this act) must be reduced on a pro rata basis or eliminated;

(iii) Third, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of all other junior taxing districts, other than fire protection districts, regional fire protection service authorities, library districts, the first fifty cent per thousand dollars of assessed valuation levies for metropolitan park districts, and the first fifty cent per thousand dollars of assessed valuation levies for public hospital districts, must be reduced on a pro rata basis or eliminated;

(iv) Fourth, if the consolidated tax levy rate still exceeds these limitations, the first fifty cent per thousand dollars of assessed valuation levies for metropolitan park districts created on or after January 1, 2002, must be reduced on a pro rata basis or eliminated;

(v) Fifth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized to fire protection districts under RCW 52.16.140 and 52.16.160 and regional fire protection service authorities under RCW 52.26.140(1) (b) and (c) must be reduced on a pro rata basis or eliminated; and

(vi) Sixth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized for fire protection districts under RCW 52.16.130, regional fire protection service authorities under RCW 52.26.140(1)(a), library districts, metropolitan park districts created before January 1, 2002, under their first fifty cent per thousand dollars of assessed valuation levy, and public hospital districts under their first fifty cent per thousand dollars of assessed valuation levy, must be reduced on a pro rata basis or eliminated.

**Sec. 3.** RCW 84.52.120 and 1995 c 99 s 1 are each amended to read as follows:

A metropolitan park district with a population of one hundred fifty thousand or more, or any metropolitan park district located in a county with a population of one million five hundred thousand or more, may submit a ballot proposition to voters of the district authorizing the protection of the district's tax levy from prorationing under RCW 84.52.010(~~(2)~~) ~~(3)(b)~~ by imposing all or any portion of the district's twenty-five cent per thousand dollars of assessed valuation tax levy outside of the five dollar and ninety cent per thousand dollar of assessed valuation limitation established under RCW 84.52.043(2), if those taxes otherwise would be prorated under RCW 84.52.010(~~(2)(e)~~) ~~(3)(b)(iii)~~, for taxes imposed in any year on or before the first day of January six years after the ballot proposition is approved. A simple majority vote of voters voting on the proposition is required for approval.

**Sec. 4.** RCW 84.52.— and 2011 c ... (EHB 1969) s 3 are each amended to read as follows:

A flood control zone district in a county with a population of seven hundred seventy-five thousand or more that is coextensive with a county may protect the levy under RCW 86.15.160(1) from prorationing under RCW 84.52.010(3)(b)(ii) by imposing up to a total of twenty-five cents per thousand dollars of assessed value of the tax levy authorized under RCW 86.15.160 outside of the five dollars and ninety cents per thousand dollars of assessed value limitation under RCW 84.52.043(2), if those taxes otherwise would be prorated under RCW 84.52.010(3)(b)(ii).

**NEW SECTION. Sec. 5.** This act applies to taxes levied for collection in 2012 through 2017.

**NEW SECTION. Sec. 6.** (1) Section 1 of this act takes effect if section 1, chapter . . . (EHB 1969), Laws of 2011 is not enacted into law.

(2) Section 2 of this act takes effect if section 1, chapter . . . (EHB 1969), Laws of 2011 is enacted into law.

**NEW SECTION. Sec. 7.** This act expires January 1, 2018.

Passed by the Senate May 17, 2011.

Passed by the House May 22, 2011.

Approved by the Governor June 7, 2011.

Filed in Office of Secretary of State June 8, 2011.

## CHAPTER 29

[Senate Bill 5956]

### COLLECTION AGENCIES

AN ACT Relating to the prohibited practices of collection agencies; reenacting and amending RCW 19.16.250; creating a new section; providing an effective date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION. Sec. 1.** The legislature finds that a drafting error occurred in Substitute Senate Bill No. 5574 (2011 regular session) and section 1, chapter 57, Laws of 2011, resulting in the unintended deletion of a phrase in RCW 19.16.250. The intent of this legislation is to remedy that error, and retroactively apply this legislation to the effective date of section 1, chapter 57, Laws of 2011.

**Sec. 2.** RCW 19.16.250 and 2011 c 162 s 1 and 2011 c 57 s 1 are each reenacted and amended to read as follows:

No licensee or employee of a licensee shall:

(1) Directly or indirectly aid or abet any unlicensed person to engage in business as a collection agency in this state or receive compensation from such unlicensed person: PROVIDED, That nothing in this chapter shall prevent a licensee from accepting, as forwarder, claims for collection from a collection agency or attorney whose place of business is outside the state.

(2) Collect or attempt to collect a claim by the use of any means contrary to the postal laws and regulations of the United States postal department.

(3) Publish or post or cause to be published or posted, any list of debtors commonly known as "bad debt lists" or threaten to do so. For purposes of this chapter, a "bad debt list" means any list of natural persons alleged to fail to honor



their lawful debts. However, nothing herein shall be construed to prohibit a licensee from communicating to its customers or clients by means of a coded list, the existence of a check dishonored because of insufficient funds, not sufficient funds or closed account by the financial institution servicing the debtor's checking account: PROVIDED, That the debtor's identity is not readily apparent: PROVIDED FURTHER, That the licensee complies with the requirements of subsection (10)(e) of this section.

(4) Have in his or her possession or make use of any badge, use a uniform of any law enforcement agency or any simulation thereof, or make any statements which might be construed as indicating an official connection with any federal, state, county, or city law enforcement agency, or any other governmental agency, while engaged in collection agency business.

(5) Perform any act or acts, either directly or indirectly, constituting the practice of law.

(6) Advertise for sale or threaten to advertise for sale any claim as a means of endeavoring to enforce payment thereof or agreeing to do so for the purpose of soliciting claims, except where the licensee has acquired claims as an assignee for the benefit of creditors or where the licensee is acting under court order.

(7) Use any name while engaged in the making of a demand for any claim other than the name set forth on his or her or its current license issued hereunder.

(8) Give or send to any debtor or cause to be given or sent to any debtor, any notice, letter, message, or form, other than through proper legal action, process, or proceedings, which represents or implies that a claim exists unless it shall indicate in clear and legible type:

(a) The name of the licensee and the city, street, and number at which he or she is licensed to do business;

(b) The name of the original creditor to whom the debtor owed the claim if such name is known to the licensee or employee: PROVIDED, That upon written request of the debtor, the licensee shall provide this name to the debtor or cease efforts to collect on the debt until this information is provided;

(c) If the notice, letter, message, or form is the first notice to the debtor or if the licensee is attempting to collect a different amount than indicated in his or her or its first notice to the debtor, an itemization of the claim asserted must be made including:

(i) Amount owing on the original obligation at the time it was received by the licensee for collection or by assignment;

(ii) Interest or service charge, collection costs, or late payment charges, if any, added to the original obligation by the original creditor, customer or assignor before it was received by the licensee for collection, if such information is known by the licensee or employee: PROVIDED, That upon written request of the debtor, the licensee shall make a reasonable effort to obtain information on such items and provide this information to the debtor;

(iii) Interest or service charge, if any, added by the licensee or customer or assignor after the obligation was received by the licensee for collection;

(iv) Collection costs, if any, that the licensee is attempting to collect;

(v) Attorneys' fees, if any, that the licensee is attempting to collect on his or her or its behalf or on the behalf of a customer or assignor; and

(vi) Any other charge or fee that the licensee is attempting to collect on his or her or its own behalf or on the behalf of a customer or assignor;

(d) If the notice, letter, message, or form concerns a judgment obtained against the debtor, no itemization of the amounts contained in the judgment is required, except postjudgment interest, if claimed, and the current account balance;

(e) If the notice, letter, message, or form is the first notice to the debtor, an itemization of the claim asserted must be made including the following information:

(i) The original account number or redacted original account number assigned to the debt, if known to the licensee or employee: PROVIDED, That upon written request of the debtor, the licensee must make a reasonable effort to obtain this information or cease efforts to collect on the debt until this information is provided; and

(ii) The date of the last payment to the creditor on the subject debt by the debtor, if known to the licensee or employee: PROVIDED, That upon written request of the debtor, the licensee must make a reasonable effort to obtain this information or cease efforts to collect on the debt until this information is provided.

(9) Communicate in writing with a debtor concerning a claim through a proper legal action, process, or proceeding, where such communication is the first written communication with the debtor, without providing the information set forth in subsection (8)(c) of this section in the written communication.

(10) Communicate or threaten to communicate, the existence of a claim to a person other than one who might be reasonably expected to be liable on the claim in any manner other than through proper legal action, process, or proceedings except under the following conditions:

(a) A licensee or employee of a licensee may inform a credit reporting bureau of the existence of a claim. If the licensee or employee of a licensee reports a claim to a credit reporting bureau, the licensee shall, upon receipt of written notice from the debtor that any part of the claim is disputed, notify the credit reporting bureau of the dispute by written or electronic means and create a record of the fact of the notification and when the notification was provided;

(b) A licensee or employee in collecting or attempting to collect a claim may communicate the existence of a claim to a debtor's employer if the claim has been reduced to a judgment;

(c) A licensee or employee in collecting or attempting to collect a claim that has not been reduced to judgment, may communicate the existence of a claim to a debtor's employer if:

(i) The licensee or employee has notified or attempted to notify the debtor in writing at his or her last known address or place of employment concerning the claim and the debtor after a reasonable time has failed to pay the claim or has failed to agree to make payments on the claim in a manner acceptable to the licensee, and

(ii) The debtor has not in writing to the licensee disputed any part of the claim: PROVIDED, That the licensee or employee may only communicate the existence of a claim which has not been reduced to judgment to the debtor's employer once unless the debtor's employer has agreed to additional communications.

(d) A licensee may for the purpose of locating the debtor or locating assets of the debtor communicate the existence of a claim to any person who might

reasonably be expected to have knowledge of the whereabouts of a debtor or the location of assets of the debtor if the claim is reduced to judgment, or if not reduced to judgment, when:

(i) The licensee or employee has notified or attempted to notify the debtor in writing at his or her last known address or last known place of employment concerning the claim and the debtor after a reasonable time has failed to pay the claim or has failed to agree to make payments on the claim in a manner acceptable to the licensee, and

(ii) The debtor has not in writing disputed any part of the claim.

(e) A licensee may communicate the existence of a claim to its customers or clients if the claim is reduced to judgment, or if not reduced to judgment, when:

(i) The licensee has notified or attempted to notify the debtor in writing at his or her last known address or last known place of employment concerning the claim and the debtor after a reasonable time has failed to pay the claim or has failed to agree to make payments on the claim in a manner acceptable to the licensee, and

(ii) The debtor has not in writing disputed any part of the claim.

(11) Threaten the debtor with impairment of his or her credit rating if a claim is not paid: PROVIDED, That advising a debtor that the licensee has reported or intends to report a claim to a credit reporting agency is not considered a threat if the licensee actually has reported or intends to report the claim to a credit reporting agency.

(12) Communicate with the debtor after notification in writing from an attorney representing such debtor that all further communications relative to a claim should be addressed to the attorney: PROVIDED, That if a licensee requests in writing information from an attorney regarding such claim and the attorney does not respond within a reasonable time, the licensee may communicate directly with the debtor until he or she or it again receives notification in writing that an attorney is representing the debtor.

(13) Communicate with a debtor or anyone else in such a manner as to harass, intimidate, threaten, or embarrass a debtor, including but not limited to communication at an unreasonable hour, with unreasonable frequency, by threats of force or violence, by threats of criminal prosecution, and by use of offensive language. A communication shall be presumed to have been made for the purposes of harassment if:

(a) It is made with a debtor or spouse in any form, manner, or place, more than three times in a single week, unless the licensee is responding to a communication from the debtor or spouse;

(b) It is made with a debtor at his or her place of employment more than one time in a single week, unless the licensee is responding to a communication from the debtor;

(c) It is made with the debtor or spouse at his or her place of residence between the hours of 9:00 p.m. and 7:30 a.m. A call to a telephone is presumed to be received in the local time zone to which the area code of the number called is assigned for landline numbers, unless the licensee reasonably believes the telephone is located in a different time zone. If the area code is not assigned to landlines in any specific geographic area, such as with toll-free telephone numbers, a call to a telephone is presumed to be received in the local time zone

of the debtor's last known place of residence, unless the licensee reasonably believes the telephone is located in a different time zone.

(14) Communicate with the debtor through use of forms or instruments that simulate the form or appearance of judicial process, the form or appearance of government documents, or the simulation of a form or appearance of a telegraphic or emergency message.

(15) Communicate with the debtor and represent or imply that the existing obligation of the debtor may be or has been increased by the addition of attorney fees, investigation fees, service fees, or any other fees or charges when in fact such fees or charges may not legally be added to the existing obligation of such debtor.

(16) Threaten to take any action against the debtor which the licensee cannot legally take at the time the threat is made.

(17) Send any telegram or make any telephone calls to a debtor or concerning a debt or for the purpose of demanding payment of a claim or seeking information about a debtor, for which the charges are payable by the addressee or by the person to whom the call is made: PROVIDED, That:

(a) This subsection does not prohibit a licensee from attempting to communicate by way of a cellular telephone or other wireless device: PROVIDED, That a licensee cannot cause charges to be incurred to the recipient of the attempted communication more than three times in any calendar week when the licensee knows or reasonably should know that the number belongs to a cellular telephone or other wireless device, unless the licensee is responding to a communication from the debtor or the person to whom the call is made.

(b) The licensee is not in violation of (a) of this subsection if the licensee at least monthly updates its records with information provided by a commercial provider of cellular telephone lists that the licensee in good faith believes provides reasonably current and comprehensive data identifying cellular telephone numbers, calls a number not appearing in the most recent list provided by the commercial provider, and does not otherwise know or reasonably should know that the number belongs to a cellular telephone.

(c) This subsection may not be construed to increase the number of communications permitted pursuant to subsection (13)(a) of this section.

(18) Call, or send a text message or other electronic communication to, a cellular telephone or other wireless device more than twice in any day when the licensee knows or reasonably should know that the number belongs to a cellular telephone or other wireless device, unless the licensee is responding to a communication from the debtor or the person to whom the call, text message, or other electronic communication is made. The licensee is not in violation of this subsection if the licensee at least monthly updates its records with information provided by a commercial provider of cellular telephone lists that the licensee in good faith believes provides reasonably current and comprehensive data identifying cellular telephone numbers, calls a number not appearing in the most recent list provided by the commercial provider, and does not otherwise know or reasonably should know that the number belongs to a cellular telephone. Nothing in this subsection may be construed to increase the number of communications permitted pursuant to subsection (13)(a) of this section.

(19) Intentionally block its telephone number from displaying on a debtor's telephone.

(20) In any manner convey the impression that the licensee is vouched for, bonded to or by, or is an instrumentality of the state of Washington or any agency or department thereof.

(21) Collect or attempt to collect in addition to the principal amount of a claim any sum other than allowable interest, collection costs or handling fees expressly authorized by statute, and, in the case of suit, attorney's fees and taxable court costs. A licensee may collect or attempt to collect collection costs and fees, including contingent collection fees, as authorized by a written agreement or contract, between the licensee's client and the debtor, in the collection of a commercial claim. The amount charged to the debtor for collection services shall not exceed thirty-five percent of the commercial claim.

(22) Procure from a debtor or collect or attempt to collect on any written note, contract, stipulation, promise or acknowledgment under which a debtor may be required to pay any sum other than principal, allowable interest, except as noted in subsection (21) of this section, and, in the case of suit, attorney's fees and taxable court costs.

(23) Bring an action or initiate an arbitration proceeding on a claim when the licensee knows, or reasonably should know, that such suit or arbitration is barred by the applicable statute of limitations.

(24) Upon notification by a debtor that the debtor disputes all debts arising from a series of dishonored checks, automated clearinghouse transactions on a demand deposit account, or other preprinted written instruments, initiate oral contact with a debtor more than one time in an attempt to collect from the debtor debts arising from the identified series of dishonored checks, automated clearinghouse transactions on a demand deposit account, or other preprinted written instruments when: (a) Within the previous one hundred eighty days, in response to the licensee's attempt to collect the initial debt assigned to the licensee and arising from the identified series of dishonored checks, automated clearinghouse transactions on a demand deposit account, or other preprinted written instruments, the debtor in writing notified the licensee that the debtor's checkbook or other series of preprinted written instruments was stolen or fraudulently created; (b) the licensee has received from the debtor a certified copy of a police report referencing the theft or fraudulent creation of the checkbook, automated clearinghouse transactions on a demand deposit account, or series of preprinted written instruments; (c) in the written notification to the licensee or in the police report, the debtor identified the financial institution where the account was maintained, the account number, the magnetic ink character recognition number, the full bank routing and transit number, and the check numbers of the stolen checks, automated clearinghouse transactions on a demand deposit account, or other preprinted written instruments, which check numbers included the number of the check that is the subject of the licensee's collection efforts; (d) the debtor provides, or within the previous one hundred eighty days provided, to the licensee a legible copy of a government-issued photo identification, which contains the debtor's signature and which was issued prior to the date of the theft or fraud identified in the police report; and (e) the debtor advised the licensee that the subject debt is disputed because the identified check, automated clearinghouse transaction on a demand deposit account, or other preprinted written instrument underlying the debt is a stolen or fraudulently created check or instrument.

The licensee is not in violation of this subsection if the licensee initiates oral contact with the debtor more than one time in an attempt to collect debts arising from the identified series of dishonored checks, automated clearinghouse transactions on a demand deposit account, or other preprinted written instruments when: (i) The licensee acted in good faith and relied on their established practices and procedures for batching, recording, or packeting debtor accounts, and the licensee inadvertently initiates oral contact with the debtor in an attempt to collect debts in the identified series subsequent to the initial debt assigned to the licensee; (ii) the licensee is following up on collection of a debt assigned to the licensee, and the debtor has previously requested more information from the licensee regarding the subject debt; (iii) the debtor has notified the licensee that the debtor disputes only some, but not all the debts arising from the identified series of dishonored checks, automated clearinghouse transactions on a demand deposit account, or other preprinted written instruments, in which case the licensee shall be allowed to initiate oral contact with the debtor one time for each debt arising from the series of identified checks, automated clearinghouse transactions on a demand deposit account, or written instruments and initiate additional oral contact for those debts that the debtor acknowledges do not arise from stolen or fraudulently created checks or written instruments; (iv) the oral contact is in the context of a judicial, administrative, arbitration, mediation, or similar proceeding; or (v) the oral contact is made for the purpose of investigating, confirming, or authenticating the information received from the debtor, to provide additional information to the debtor, or to request additional information from the debtor needed by the licensee to accurately record the debtor's information in the licensee's records.

(25) Submit an affidavit or other request pursuant to chapter 6.32 RCW asking a superior or district court to transfer a bond posted by a debtor subject to a money judgment to the licensee, when the debtor has appeared as required.

**NEW SECTION. Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 22, 2011.

Passed by the Senate May 11, 2011.

Passed by the House May 21, 2011.

Approved by the Governor June 7, 2011.

Filed in Office of Secretary of State June 8, 2011.

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## CHAPTER 30

[Second Substitute Senate Bill 5459]

### PEOPLE WITH DEVELOPMENTAL DISABILITIES—SERVICES

AN ACT Relating to services for people with developmental disabilities; amending RCW 71A.10.020, 71A.20.010, 71A.20.020, 71A.18.040, 71A.20.080, and 71A.20.170; adding new sections to chapter 71A.20 RCW; adding a new section to chapter 70.02 RCW; creating new sections; providing an effective date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

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

(1) A developmental disability is a natural part of human life and the presence of a developmental disability does not diminish a person's rights or the opportunity to participate in the life of the local community;

(2) The system of services for people with developmental disabilities should provide a balanced range of health, social, and supportive services at home or in other residential settings. The receipt of services should be coordinated so as to minimize administrative cost and service duplication, and eliminate unnecessarily complex system organization;

(3) The public interest would best be served by a broad array of services that would support people with developmental disabilities at home or in the community, whenever practicable, and that promote individual autonomy, dignity, and choice;

(4) In Washington state, people living in residential habilitation centers and their families are satisfied with the services they receive, and deserve to continue receiving services that meet their needs if they choose to receive those services in a community setting;

(5) As other care options for people with developmental disabilities become more available, the relative need for residential habilitation center beds is likely to decline. The legislature recognizes, however, that residential habilitation centers will continue to be a critical part of the state's long-term care options; and that such services should promote individual dignity, autonomy, and a home-like environment; and

(6) In a time of fiscal restraint, the state should consider the needs of all persons with developmental disabilities and spend its limited resources in a manner that serves more people, while not compromising the care people require.

**NEW SECTION. Sec. 2.** It is the intent of the legislature that:

(1) Community-based residential services supporting people with developmental disabilities should be available in the most integrated setting appropriate to individual needs; and

(2) An extensive transition planning and placement process should be used to ensure that people moving from a residential habilitation center to a community setting have the services and supports needed to meet their assessed health and welfare needs.

**Sec. 3.** RCW 71A.10.020 and 2010 c 94 s 21 are each amended to read as follows:

As used in this title, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Community residential support services," or "community support services," and "in-home services" means one or more of the services listed in RCW 71A.12.040.

(2) "Crisis stabilization services" means services provided to persons with developmental disabilities who are experiencing behaviors that jeopardize the safety and stability of their current living situation. Crisis stabilization services include:

(a) Temporary intensive services and supports, typically not to exceed sixty days, to prevent psychiatric hospitalization, institutional placement, or other out-of-home placement; and

(b) Services designed to stabilize the person and strengthen their current living situation so the person may continue to safely reside in the community during and beyond the crisis period.

(3) "Department" means the department of social and health services.

~~((3))~~ (4) "Developmental disability" means a disability attributable to intellectual disability, cerebral palsy, epilepsy, autism, or another neurological or other condition of an individual found by the secretary to be closely related to an intellectual disability or to require treatment similar to that required for individuals with intellectual disabilities, which disability originates before the individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial limitation to the individual. By January 1, 1989, the department shall promulgate rules which define neurological or other conditions in a way that is not limited to intelligence quotient scores as the sole determinant of these conditions, and notify the legislature of this action.

~~((4))~~ (5) "Eligible person" means a person who has been found by the secretary under RCW 71A.16.040 to be eligible for services.

~~((5))~~ (6) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and to raise their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy.

~~((6))~~ (7) "Legal representative" means a parent of a person who is under eighteen years of age, a person's legal guardian, a person's limited guardian when the subject matter is within the scope of the limited guardianship, a person's attorney-at-law, a person's attorney-in-fact, or any other person who is authorized by law to act for another person.

~~((7))~~ (8) "Notice" or "notification" of an action of the secretary means notice in compliance with RCW 71A.10.060.

~~((8))~~ (9) "Residential habilitation center" means a state-operated facility for persons with developmental disabilities governed by chapter 71A.20 RCW.

~~((9))~~ (10) "Respite services" means relief for families and other caregivers of people with disabilities, typically not to exceed ninety days, to include both in-home and out-of-home respite care on an hourly and daily basis, including twenty-four hour care for several consecutive days. Respite care workers provide supervision, companionship, and personal care services temporarily replacing those provided by the primary caregiver of the person with disabilities. Respite care may include other services needed by the client, including medical care which must be provided by a licensed health care practitioner.

(11) "Secretary" means the secretary of social and health services or the secretary's designee.

~~((10))~~ (12) "Service" or "services" means services provided by state or local government to carry out this title.

~~((11))~~ (13) "State-operated living alternative" means programs for community residential services which may include assistance with activities of daily living, behavioral, habilitative, interpersonal, protective, medical, nursing, and mobility supports to individuals who have been assessed by the department as meeting state and federal requirements for eligibility in home and community-based waiver programs for individuals with developmental



disabilities. State-operated living alternatives are operated and staffed with state employees.

(14) "Supported living" means community residential services and housing which may include assistance with activities of daily living, behavioral, habilitative, interpersonal, protective, medical, nursing, and mobility supports provided to individuals with disabilities who have been assessed by the department as meeting state and federal requirements for eligibility in home and community-based waiver programs for individuals with developmental disabilities. Supported living services are provided under contracts with private agencies or with individuals who are not state employees.

(15) "Vacancy" means an opening at a residential habilitation center, which when filled, would not require the center to exceed its biennially budgeted capacity.

**Sec. 4.** RCW 71A.20.010 and 1988 c 176 s 701 are each amended to read as follows:

(1) This chapter covers the operation of residential habilitation centers. The selection of persons to be served at the centers is governed by chapters 71A.16 and 71A.18 RCW. The purposes of this chapter are: To provide for those ((children and adults)) persons who are exceptional in their needs for care, treatment, and education by reason of developmental disabilities, residential care designed to develop their individual capacities to their optimum; to provide for admittance, withdrawal and discharge from state residential habilitation centers upon application; and to insure a comprehensive program for the education, guidance, care, treatment, and rehabilitation of all persons admitted to residential habilitation centers.

(2) Effective no later than July 1, 2012, no person under the age of sixteen years may be admitted to receive services at a residential habilitation center. Effective no later than July 1, 2012, no person under the age of twenty-one years may be admitted to receive services at a residential center, unless there are no service options available in the community to appropriately meet the needs of the individual. Such admission is limited to the provision of short-term respite or crisis stabilization services.

**Sec. 5.** RCW 71A.20.020 and 1994 c 215 s 1 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the following residential habilitation centers are permanently established to provide services to persons with developmental disabilities: Lakeland Village, located at Medical Lake, Spokane county; Rainier School, located at Buckley, Pierce county; Yakima Valley School, located at Selah, Yakima county; and Fircrest School, located at Seattle, King county((; and Frances Haddon Morgan Children's Center, located at Bremerton, Kitsap county)).

(2) The Yakima Valley School, located at Selah, Yakima county, shall cease to operate as a residential habilitation center when the conditions in section 6(2)(b) are met.

**NEW SECTION. Sec. 6.** A new section is added to chapter 71A.20 RCW to read as follows:

(1) By December 31, 2011, the department shall:

(a) Close Frances Haddon Morgan residential rehabilitation center and relocate current residents consistent with the requirements of section 7 of this act; and

(b) Establish at least two state operating living alternatives on the campus of the Frances Haddon Morgan center, if residents have chosen to receive care in such a setting and subject to federal requirements related to the receipt of federal medicaid matching funds.

(2)(a) Upon the effective date of this section, the department shall not permit any new admission to Yakima Valley School unless such admission is limited to the provision of short-term respite or crisis stabilization services. Except as provided in (b) of this subsection, no current permanent resident of Yakima Valley School shall be required or compelled to relocate to a different care setting as a result of this act.

(b) The Yakima Valley School shall continue to operate as a residential habilitation center until such time that the census of permanent residents has reached sixteen persons. As part of the closure plan, at least two cottages will be converted to state-operated living alternatives, subject to federal requirements related to the receipt of federal medicaid matching funds.

(3) To assure the successful implementation of subsections (1) and (2) of this section, the department, within available funds:

(a) Shall establish state-operated living alternatives to provide community residential services to residential habilitation center residents transitioning to the community under this act who prefer a state-operated living alternative. The department shall offer residential habilitation center employees opportunities to work in state-operated living alternatives as they are established;

(b) May use existing supported living program capacity in the community for former residential habilitation center residents who prefer and choose a supported living program;

(c) Shall continue to staff and operate at Yakima Valley School crisis stabilization beds and respite service beds at the existing bed capacity as of June 1, 2011, for individuals with developmental disabilities requiring such services;

(d) Shall establish up to eight state-staffed crisis stabilization beds and up to eight state-staffed respite beds based upon funding provided in the appropriations act and the geographic areas with the greatest need for those services; and

(e) Shall establish regional or mobile specialty services evenly distributed throughout the state, such as dental care, physical therapy, occupational therapy, and specialized nursing care, which can be made available to former residents of residential habilitation centers and, within available funds, other individuals with developmental disabilities residing in the community.

***\*NEW SECTION. Sec. 7. A new section is added to chapter 71A.20 RCW to read as follows:***

***The department:***

***(1) May, within sixty days of admission to a residential habilitation center, ensure that each resident's individual habilitation plan includes a plan for discharge to the community;***

***(2) Shall use a person-centered approach in developing the discharge plan to assess the resident's needs and identify services the resident requires to successfully transition to the community, including:***

*(a) Engaging families and guardians of residents by offering family-to-family mentoring provided by family members who themselves experienced moving a family member with developmental disabilities from an institution to the community. The department shall contract with the developmental disabilities council to provide mentoring services;*

*(b) Employees of the residential habilitation centers and the department providing transition planning for residents. To strengthen continuity of care for residents leaving residential habilitation centers, the department shall provide opportunities for residential habilitation center employees to obtain employment in state-operated living alternatives;*

*(c) Providing choice of community living options and providers, consistent with federal requirements, including offering to place, with the consent of the resident or his or her guardian, each resident of the residential habilitation center on the appropriate home and community-based waiver, as authorized under 42 U.S.C. Sec. 1396n, and provide continued access to the services that meet his or her assessed needs;*

*(d) Providing residents and their families or guardians opportunities to visit state-operated living alternatives and supported living options in the community;*

*(e) Offering residents leaving a residential habilitation center a "right to return" to a residential habilitation center during the first year following their move;*

*(f) Addressing services in addition to those that will be provided by residential services providers that are necessary to address the resident's assessed needs, including:*

*(i) Medical services;*

*(ii) Nursing services;*

*(iii) Dental care;*

*(iv) Behavioral and mental health supports;*

*(v) Habilitation services;*

*(vi) Employment or other day support; and*

*(vii) Transportation or other supports needed to assist family and friends in maintaining regular contact with the resident;*

*(3) Shall assure that, prior to discharge from a residential habilitation center, clients continue to be eligible for services for which they have an assessed need;*

*(4) Shall maximize federal funding for transitioning clients through the roads to community living grant;*

*(5) Shall limit the ability of a state-operated living alternative to reject clients;*

*(6) Shall use any savings achieved through efficiencies to extend services, including state-staffed crisis stabilization and respite services, to people with developmental disabilities currently receiving limited or no services; and*

*(7)(a) Shall employ the quality assurance process currently in use by the department to monitor the adjustment of each resident who leaves a residential habilitation center; and*

*(b) Convene a work group to review findings from the quality assurance for people moving process and provide feedback on the transition process. The work group shall include representatives of the developmental disabilities*

*council, disability rights Washington, University of Washington center for human development and disability, providers, and families and advocates of persons with disabilities.*

\*Sec. 7 was vetoed. See message at end of chapter.

NEW SECTION. **Sec. 8.** A new section is added to chapter 70.02 RCW to read as follows:

- (1) A developmental disability service system task force is established.
- (2) The task force shall be convened by September 1, 2011, and consist of the following members:
  - (a) Two members of the house of representatives appointed by the speaker of the house of representatives, from different political caucuses;
  - (b) Two members of the senate appointed by the president of the senate, from different political caucuses;
  - (c) The following members appointed by the governor:
    - (i) Two advocates for people with developmental disabilities;
    - (ii) A representative from the developmental disabilities council;
    - (iii) A representative of families of residents in residential habilitation centers;
    - (iv) Two representatives of labor unions representing workers who serve residents in residential habilitation centers;
  - (d) The secretary of the department of social and health services or their designee; and
  - (e) The secretary of the department of general administration or their designee.
- (3) The members of the task force shall select the chair or cochairs of the task force.
- (4) Staff assistance for the task force will be provided by legislative staff and staff from the agencies listed in subsection (2) of this section.
- (5) The task force shall make recommendations on:
  - (a) The development of a system of services for persons with developmental disabilities that is consistent with the goals articulated in section 1 of this act;
  - (b) The state's long-term needs for residential habilitation center capacity, including the benefits and disadvantages of maintaining one center in eastern Washington and one center in western Washington;
  - (c) A plan for efficient consolidation of institutional capacity, including whether one or more centers should be downsized or closed and, if so, a time frame for closure;
  - (d) Mechanisms through which any savings that result from the downsizing, consolidation, or closure of residential habilitation center capacity can be used to create additional community-based capacity;
  - (e) Strategies for the use of surplus property that results from the closure of one or more centers;
  - (f) Strategies for reframing the mission of Yakima Valley School consistent with this act that consider:
    - (i) The opportunity, where cost-effective, to provide medical services, including centers of excellence, to other clients served by the department; and
    - (ii) The creation of a treatment team consisting of crisis stabilization and short-term respite services personnel, with the long-term goal of expanding to include the provisions of specialty services such as dental care, physical therapy,

occupational therapy, and specialized nursing care to individuals with developmental disabilities residing in the surrounding community.

(6) The task force shall report their recommendations to the appropriate committees of the legislature by December 1, 2012.

**Sec. 9.** RCW 71A.18.040 and 1989 c 175 s 142 are each amended to read as follows:

(1) A person who is receiving a service under this title or the person's legal representative may request the secretary to authorize a service that is available under this title in place of a service that the person is presently receiving.

(2) The secretary upon receiving a request for change of service shall consult in the manner provided in RCW 71A.10.070 and within ninety days shall determine whether the following criteria are met:

(a) The alternative plan proposes a less dependent program than the person is participating in under current service;

(b) The alternative service is appropriate under the goals and objectives of the person's individual service plan;

(c) The alternative service is not in violation of applicable state and federal law; and

(d) The service can reasonably be made available.

(3) If the requested alternative service meets all of the criteria of subsection (2) of this section, the service shall be authorized as soon as reasonable, but not later than one hundred twenty days after completion of the determination process, unless the secretary determines that:

(a) The alternative plan is more costly than the current plan;

(b) Current appropriations are not sufficient to implement the alternative service without reducing services to existing clients; or

(c) Providing alternative service would take precedence over other priorities for delivery of service.

(4) The secretary shall give notice as provided in RCW 71A.10.060 of the grant of a request for a change of service. The secretary shall give notice as provided in RCW 71A.10.060 of denial of a request for change of service and of the right to an adjudicative proceeding.

(5)(a) When the secretary has changed service from a residential habilitation center to a setting other than a residential habilitation center, the secretary shall reauthorize service at the residential habilitation center if the secretary in reevaluating the needs of the person finds that the person needs service in a residential habilitation center.

(b) A person who has moved from a residential habilitation center that has closed to a community-based setting shall be offered a right to return to a residential habilitation center during the first year following their move to the community.

(6) If the secretary determines that current appropriations are sufficient to deliver additional services without reducing services to persons who are presently receiving services, the secretary is authorized to give persons notice under RCW 71A.10.060 that they may request the services as new services or as changes of services under this section.

**Sec. 10.** RCW 71A.20.080 and 1989 c 175 s 143 are each amended to read as follows:

(1) Whenever in the judgment of the secretary, the treatment and training of any resident of a residential habilitation center has progressed to the point that it is deemed advisable to return such resident to the community, the secretary may grant placement on such terms and conditions as the secretary may deem advisable after consultation in the manner provided in RCW 71A.10.070. The secretary shall give written notice of the decision to return a resident to the community as provided in RCW 71A.10.060. The notice must include a statement advising the recipient of the right to an adjudicative proceeding under RCW 71A.10.050 and the time limits for filing an application for an adjudicative proceeding. The notice must also include a statement advising the recipient of the right to judicial review of an adverse adjudicative order as provided in chapter 34.05 RCW.

(2) A placement decision shall not be implemented at any level during any period during which an appeal can be taken or while an appeal is pending and undecided, unless authorized by court order so long as the appeal is being diligently pursued.

~~(The department of social and health services shall periodically evaluate at reasonable intervals the adjustment of the resident to the specific placement to determine whether the resident should be continued in the placement or returned to the institution or given a different placement.)~~

**\*NEW SECTION. Sec. 11.** *A new section is added to chapter 71A.20 RCW to read as follows:*

*Beginning November 1, 2012, and annually thereafter, the department shall submit information to the appropriate committees of the legislature regarding persons who have transitioned from residential habilitation centers to the community, for the first two years following each person's new placement, including:*

- (1) Progress toward meeting the requirements of this act;*
  - (2) Client and guardian satisfaction with services;*
  - (3) Stability of placement and provider turnover, including information on returns to a residential habilitation center under section 7(2)(e) of this act;*
  - (4) Safety and health outcomes;*
  - (5) Types of services received by clients transitioned to the community;*
- and*
- (6) Continued accessibility of former residents to family.*

*\*Sec. 11 was vetoed. See message at end of chapter.*

**Sec. 12.** RCW 71A.20.170 and 2008 c 265 s 1 are each amended to read as follows:

(1) The developmental disabilities community trust account is created in the state treasury. All net proceeds from the use of excess property identified in the 2002 joint legislative audit and review committee capital study or other studies of the division of developmental disabilities residential habilitation centers (~~at Lakeland Village, Yakima Valley school, Francis Haddon Morgan Center, and Rainier school~~) that would not impact current residential habilitation center operations must be deposited into the account.

(2) Proceeds may come from the lease of the land, conservation easements, sale of timber, or other activities short of sale of the property, except as permitted under section 7 of this act.

(3) "Excess property" includes that portion of the property at Rainier school previously under the cognizance and control of Washington State University for use as a dairy/forage research facility.

(4) Only investment income from the principal of the proceeds deposited into the trust account may be spent from the account. For purposes of this section, "investment income" includes lease payments, rent payments, or other periodic payments deposited into the trust account. For purposes of this section, "principal" is the actual excess land from which proceeds are assigned to the trust account.

(5) Moneys in the account may be spent only after appropriation. Expenditures from the account shall be used exclusively to provide family support and/or employment/day services to eligible persons with developmental disabilities who can be served by community-based developmental disability services. It is the intent of the legislature that the account should not be used to replace, supplant, or reduce existing appropriations.

(6) The account shall be known as the Dan Thompson memorial developmental disabilities community trust account.

**NEW SECTION. Sec. 13.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 14.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

**NEW SECTION. Sec. 15.** Section 7 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect June 30, 2011.

Passed by the Senate May 25, 2011.

Passed by the House May 25, 2011.

Approved by the Governor June 15, 2011, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State June 15, 2011.

Note: Governor's explanation of partial veto is as follows:

"I am returning, without my approval as to Sections 7 and 11, Second Substitute Senate Bill 5459 entitled:

"AN ACT Relating to services for people with developmental disabilities."

This bill makes a number of changes that address the increased provision of services to persons with developmental disabilities in community settings. It reduces admissions to residential habilitation centers, closes the Frances Haddon Morgan Center by December 31, 2011, provides for relocation and alternatives, and strengthens the array of support available in communities.

Section 7 of this bill mandates that the Department of Social and Health Services provide a series of processes and services that assist successful client transitions into the community. Most provisions

in this section are current practices within the Department, including the following: person-centered approaches to discharge plans, family mentoring, offering residential habilitation center employees opportunities for employment in community settings, offering residents leaving a residential habilitation center the ability to return, and maximizing federal funding. Approval of Section 7 is not required to implement these approaches. However, Section 7(2)(f)(vii) could be interpreted to mandate that the Department provide new transportation services and other supports to assist family and friends in maintaining regular contact with residents who have moved out of a residential habilitation center. While I agree that clients should maintain contact with their family and friends, this subsection could create a broad, undefined requirement that is also unfunded. The type, frequency, and costs of transportation are not easily assessed. Because these unknown elements present serious concerns about unanticipated fiscal impacts, I am vetoing Section 7.

Section 11 mandates that the Department annually submit a report to the Legislature regarding persons who have transitioned from residential habilitation centers to the community. Much of the information required for this report is already gathered as a standard part of the client assessment and existing quality assurances processes. Aggregating and assembling client-specific information into a new report is a significant unfunded mandate.

Although I am vetoing this section, I am directing the Department to share the various reports related to the quality of client transitions and community-based services with the Legislature.

For these reasons, I have vetoed Sections 7 and 11 of Second Substitute Senate Bill 5459.

With the exception of Sections 7 and 11, Second Substitute Senate Bill 5459 is approved."

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## CHAPTER 31

[Engrossed Substitute House Bill 1548]

### LONG-TERM CARE WORKERS—TRAINING—BACKGROUND CHECKS

AN ACT Relating to implementation of long-term care worker requirements regarding background checks and training; amending RCW 18.88B.020, 18.88B.030, 18.88B.040, 18.88B.050, 74.39A.050, 74.39A.055, 74.39A.073, 74.39A.075, 74.39A.085, 74.39A.260, 74.39A.330, 74.39A.340, 74.39A.350, 74.39A.095, 18.20.125, 43.20A.710, and 43.43.837; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

**Sec. 1.** RCW 18.88B.020 and 2009 c 580 s 18 are each amended to read as follows:

(1) Effective January 1, (~~2011~~) 2014, except as provided in RCW 18.88B.040, the department of health shall require that any person hired as a long-term care worker for the elderly or persons with disabilities must be certified as a home care aide within one hundred fifty days from the date of being hired.

(2) Except as provided in RCW 18.88B.040, certification as a home care aide requires both completion of seventy-five hours of training and successful completion of a certification examination pursuant to RCW 74.39A.073 and 18.88B.030.

(3) No person may practice or, by use of any title or description, represent himself or herself as a certified home care aide without being certified pursuant to this chapter.

(4) The department of health shall adopt rules by August 1, (~~2010~~) 2013, to implement this section.

**Sec. 2.** RCW 18.88B.030 and 2009 c 580 s 4 are each amended to read as follows:



(1) Effective January 1, (~~2014~~) 2014, except as provided in RCW 18.88B.040, the department of health shall require that all long-term care workers successfully complete a certification examination. Any long-term care worker failing to make the required grade for the examination will not be certified as a home care aide.

(2) The department of health, in consultation with consumer and worker representatives, shall develop a home care aide certification examination to evaluate whether an applicant possesses the skills and knowledge necessary to practice competently. Unless excluded by RCW 18.88B.040 (1) and (2), only those who have completed the training requirements in RCW 74.39A.073 shall be eligible to sit for this examination.

(3) The examination shall include both a skills demonstration and a written or oral knowledge test. The examination papers, all grading of the papers, and records related to the grading of skills demonstration shall be preserved for a period of not less than one year. The department of health shall establish rules governing the number of times and under what circumstances individuals who have failed the examination may sit for the examination, including whether any intermediate remedial steps should be required.

(4) All examinations shall be conducted by fair and wholly impartial methods. The certification examination shall be administered and evaluated by the department of health or by a contractor to the department of health that is neither an employer of long-term care workers or private contractors providing training services under this chapter.

(5) The department of health has the authority to:

(a) Establish forms, procedures, and examinations necessary to certify home care aides pursuant to this chapter;

(b) Hire clerical, administrative, and investigative staff as needed to implement this section;

(c) Issue certification as a home care aide to any applicant who has successfully completed the home care aide examination;

(d) Maintain the official record of all applicants and persons with certificates;

(e) Exercise disciplinary authority as authorized in chapter 18.130 RCW; and

(f) Deny certification to applicants who do not meet training, competency examination, and conduct requirements for certification.

(6) The department of health shall adopt rules by August 1, (~~2010~~) 2013, that establish the procedures, including criteria for reviewing an applicant's state and federal background checks, and examinations necessary to carry this section into effect.

**Sec. 3.** RCW 18.88B.040 and 2010 c 169 s 11 are each amended to read as follows:

The following long-term care workers are not required to become a certified home care aide pursuant to this chapter.

(1) Registered nurses, licensed practical nurses, certified nursing assistants or persons who are in an approved training program for certified nursing assistants under chapter 18.88A RCW, medicare-certified home health aides, or other persons who hold a similar health credential, as determined by the secretary of health, or persons with special education training and an

endorsement granted by the superintendent of public instruction, as described in RCW 28A.300.010, if the secretary of health determines that the circumstances do not require certification. After December 31, 2013, individuals exempted by this subsection may obtain certification as a home care aide from the department of health without fulfilling the training requirements in RCW 74.39A.073 but must successfully complete a certification examination pursuant to RCW 18.88B.030.

(2) A person already employed as a long-term care worker prior to January 1, ~~((2014))~~ 2014, who completes all of his or her training requirements in effect as of the date he or she was hired, is not required to obtain certification. After December 31, 2013, individuals exempted by this subsection may obtain certification as a home care aide from the department of health without fulfilling the training requirements in RCW 74.39A.073 but must successfully complete a certification examination pursuant to RCW 18.88B.030.

(3) All long-term care workers employed by supported living providers are not required to obtain certification under this chapter.

(4) An individual provider caring only for his or her biological, step, or adoptive child or parent is not required to obtain certification under this chapter.

~~(5) ((Prior to June 30, 2014, a person hired as an individual provider who provides twenty hours or less of care for one person in any calendar month is not required to obtain certification under this chapter.~~

~~(6))~~ A long-term care worker exempted by this section from the training requirements contained in RCW 74.39A.073 may not be prohibited from enrolling in training pursuant to that section.

~~((7))~~ (6) The department of health shall adopt rules by August 1, ~~((2010))~~ 2013, to implement this section.

**Sec. 4.** RCW 18.88B.050 and 2009 c 580 s 17 are each amended to read as follows:

(1) The uniform disciplinary act, chapter 18.130 RCW, governs uncertified practice, issuance of certificates, and the discipline of persons with certificates under this chapter. The secretary of health shall be the disciplinary authority under this chapter.

(2) The secretary of health may take action to immediately suspend the certification of a long-term care worker upon finding that conduct of the long-term care worker has caused or presents an imminent threat of harm to a functionally disabled person in his or her care.

(3) If the secretary of health imposes suspension or conditions for continuation of certification, the suspension or conditions for continuation are effective immediately upon notice and shall continue in effect pending the outcome of any hearing.

(4) The department of health shall take appropriate enforcement action related to the licensure of a private agency or facility licensed by the state, to provide personal care services, other than an individual provider, who knowingly employs a long-term care worker who is not a certified home care aide as required under this chapter or, if exempted from certification by RCW 18.88B.040, has not completed his or her required training pursuant to this chapter.

(5) Chapter 34.05 RCW shall govern actions by the department of health under this section.

(6) The department of health shall adopt rules by August 1, (~~2010~~) 2013, to implement this section.

**Sec. 5.** RCW 74.39A.050 and 2009 c 580 s 7 are each amended to read as follows:

The department's system of quality improvement for long-term care services shall use the following principles, consistent with applicable federal laws and regulations:

(1) The system shall be client-centered and promote privacy, independence, dignity, choice, and a home or home-like environment for consumers consistent with chapter 392, Laws of 1997.

(2) The goal of the system is continuous quality improvement with the focus on consumer satisfaction and outcomes for consumers. This includes that when conducting licensing or contract inspections, the department shall interview an appropriate percentage of residents, family members, resident case managers, and advocates in addition to interviewing providers and staff.

(3) Providers should be supported in their efforts to improve quality and address identified problems initially through training, consultation, technical assistance, and case management.

(4) The emphasis should be on problem prevention both in monitoring and in screening potential providers of service.

(5) Monitoring should be outcome based and responsive to consumer complaints and based on a clear set of health, quality of care, and safety standards that are easily understandable and have been made available to providers, residents, and other interested parties.

(6) Prompt and specific enforcement remedies shall also be implemented without delay, pursuant to RCW 74.39A.080, RCW 70.128.160, chapter 18.51 RCW, or chapter 74.42 RCW, for providers found to have delivered care or failed to deliver care resulting in problems that are serious, recurring, or uncorrected, or that create a hazard that is causing or likely to cause death or serious harm to one or more residents. These enforcement remedies may also include, when appropriate, reasonable conditions on a contract or license. In the selection of remedies, the safety, health, and well-being of residents shall be of paramount importance.

(7) All long-term care workers shall be screened through background checks in a uniform and timely manner to ensure that they do not have a criminal history that would disqualify them from working with vulnerable persons. Long-term care workers who are hired after January 1, (~~2012~~) 2014, are subject to background checks under RCW 74.39A.055. This information will be shared with the department of health in accordance with RCW 74.39A.055 to advance the purposes of chapter 2, Laws of 2009.

(8) No provider, or its staff, or long-term care worker, or prospective provider or long-term care worker, with a stipulated finding of fact, conclusion of law, an agreed order, or finding of fact, conclusion of law, or final order issued by a disciplining authority, a court of law, or entered into a state registry finding him or her guilty of abuse, neglect, exploitation, or abandonment of a minor or a vulnerable adult as defined in chapter 74.34 RCW shall be employed in the care of and have unsupervised access to vulnerable adults.

(9) The department shall establish, by rule, a state registry which contains identifying information about long-term care workers identified under this

chapter who have substantiated findings of abuse, neglect, financial exploitation, or abandonment of a vulnerable adult as defined in RCW 74.34.020. The rule must include disclosure, disposition of findings, notification, findings of fact, appeal rights, and fair hearing requirements. The department shall disclose, upon request, substantiated findings of abuse, neglect, financial exploitation, or abandonment to any person so requesting this information. This information will also be shared with the department of health to advance the purposes of chapter 2, Laws of 2009.

(10) Until December 31, (~~2010~~) 2013, individual providers and home care agency providers must satisfactorily complete department-approved orientation, basic training, and continuing education within the time period specified by the department in rule. The department shall adopt rules by March 1, 2002, for the implementation of this section. The department shall deny payment to an individual provider or a home care provider who does not complete the training requirements within the time limit specified by the department by rule.

(11) Until December 31, (~~2010~~) 2013, in an effort to improve access to training and education and reduce costs, especially for rural communities, the coordinated system of long-term care training and education must include the use of innovative types of learning strategies such as internet resources, videotapes, and distance learning using satellite technology coordinated through community colleges or other entities, as defined by the department.

(12) The department shall create an approval system by March 1, 2002, for those seeking to conduct department-approved training.

(13) The department shall establish, by rule, background checks and other quality assurance requirements for long-term care workers who provide in-home services funded by medicaid personal care as described in RCW 74.09.520, community options program entry system waiver services as described in RCW 74.39A.030, or chore services as described in RCW 74.39A.110 that are equivalent to requirements for individual providers. Long-term care workers who are hired after January 1, (~~2012~~) 2014, are subject to background checks under RCW 74.39A.055.

(14) Under existing funds the department shall establish internally a quality improvement standards committee to monitor the development of standards and to suggest modifications.

(15) Within existing funds, the department shall design, develop, and implement a long-term care training program that is flexible, relevant, and qualifies towards the requirements for a nursing assistant certificate as established under chapter 18.88A RCW. This subsection does not require completion of the nursing assistant certificate training program by providers or their staff. The long-term care teaching curriculum must consist of a fundamental module, or modules, and a range of other available relevant training modules that provide the caregiver with appropriate options that assist in meeting the resident's care needs. Some of the training modules may include, but are not limited to, specific training on the special care needs of persons with developmental disabilities, dementia, mental illness, and the care needs of the elderly. No less than one training module must be dedicated to workplace violence prevention. The nursing care quality assurance commission shall work together with the department to develop the curriculum modules. The nursing care quality assurance commission shall direct the nursing assistant training

programs to accept some or all of the skills and competencies from the curriculum modules towards meeting the requirements for a nursing assistant certificate as defined in chapter 18.88A RCW. A process may be developed to test persons completing modules from a caregiver's class to verify that they have the transferable skills and competencies for entry into a nursing assistant training program. The department may review whether facilities can develop their own related long-term care training programs. The department may develop a review process for determining what previous experience and training may be used to waive some or all of the mandatory training. The department of social and health services and the nursing care quality assurance commission shall work together to develop an implementation plan by December 12, 1998.

**Sec. 6.** RCW 74.39A.055 and 2009 c 580 s 2 are each amended to read as follows:

(1) All long-term care workers for the elderly or persons with disabilities hired after January 1, (~~2012~~) 2014, shall be screened through state and federal background checks in a uniform and timely manner to ensure that they do not have a criminal history that would disqualify them from working with vulnerable persons. These background checks shall include checking against the federal bureau of investigation fingerprint identification records system and against the national sex offenders registry or their successor programs. The department shall require these long-term care workers to submit fingerprints for the purpose of investigating conviction records through both the Washington state patrol and the federal bureau of investigation.

(2) To allow the department of health to satisfy its certification responsibilities under chapter 18.88B RCW, the department shall share state and federal background check results with the department of health. Neither department may share the federal background check results with any other state agency or person.

(3) The department shall not pass on the cost of these criminal background checks to the workers or their employers.

(4) The department shall adopt rules to implement the provisions of this section by August 1, (~~2010~~) 2013.

**Sec. 7.** RCW 74.39A.073 and 2009 c 580 s 10 are each amended to read as follows:

(1) Effective January 1, (~~2011~~) 2014, except as provided in RCW 18.88B.040, all persons employed as long-term care workers for the elderly or persons with disabilities must meet the minimum training requirements in this section within one hundred twenty calendar days of employment.

(2) All persons employed as long-term care workers must obtain seventy-five hours of entry-level training approved by the department. A long-term care worker must accomplish five of these seventy-five hours before becoming eligible to provide care.

(3) Training required by subsection (4)(c) of this section will be applied towards training required under RCW 18.20.270 or 70.128.230 as well as any statutory or regulatory training requirements for long-term care workers employed by supportive living providers.

(4) Only training curriculum approved by the department may be used to fulfill the training requirements specified in this section. The seventy-five hours of entry-level training required shall be as follows:

(a) Before a long-term care worker is eligible to provide care, he or she must complete two hours of orientation training regarding his or her role as caregiver and the applicable terms of employment;

(b) Before a long-term care worker is eligible to provide care, he or she must complete three hours of safety training, including basic safety precautions, emergency procedures, and infection control; and

(c) All long-term care workers must complete seventy hours of long-term care basic training, including training related to core competencies and population specific competencies.

(5) The department shall only approve training curriculum that:

(a) Has been developed with input from consumer and worker representatives; and

(b) Requires comprehensive instruction by qualified instructors on the competencies and training topics in this section.

(6) Individual providers under RCW 74.39A.270 shall be compensated for training time required by this section.

(7) The department of health shall adopt rules by August 1, ~~((2010))~~ 2013, to implement subsections (1), (2), and (3) of this section.

(8) The department shall adopt rules by August 1, ~~((2010))~~ 2013, to implement subsections (4) and (5) of this section.

**Sec. 8.** RCW 74.39A.075 and 2009 c 580 s 11 are each amended to read as follows:

(1) Effective January 1, ~~((2011))~~ 2014, a biological, step, or adoptive parent who is the individual provider only for his or her developmentally disabled son or daughter must receive twelve hours of training relevant to the needs of adults with developmental disabilities within the first one hundred twenty days of becoming an individual provider.

(2) Effective January 1, ~~((2011))~~ 2014, individual providers identified in ~~((a) and (b) of)~~ this subsection must complete thirty-five hours of training within the first one hundred twenty days of becoming an individual provider. Five of the thirty-five hours must be completed before becoming eligible to provide care. Two of these five hours shall be devoted to an orientation training regarding an individual provider's role as caregiver and the applicable terms of employment, and three hours shall be devoted to safety training, including basic safety precautions, emergency procedures, and infection control. Individual providers subject to this requirement include(~~(:~~

~~(a))~~ an individual provider caring only for his or her biological, step, or adoptive child or parent unless covered by subsection (1) of this section(~~(:~~ and

~~(b) Before January 1, 2014, a person hired as an individual provider who provides twenty hours or less of care for one person in any calendar month)).~~

(3) Only training curriculum approved by the department may be used to fulfill the training requirements specified in this section. The department shall only approve training curriculum that:

(a) Has been developed with input from consumer and worker representatives; and

(b) Requires comprehensive instruction by qualified instructors.

(4) The department shall adopt rules by August 1, (~~2010~~) 2013, to implement this section.

**Sec. 9.** RCW 74.39A.085 and 2009 c 580 s 14 are each amended to read as follows:

(1) The department shall deny payment to any individual provider of home care services who has not been certified by the department of health as a home care aide as required under chapter 2, Laws of 2009 or, if exempted from certification by RCW 18.88B.040, has not completed his or her required training pursuant to chapter 2, Laws of 2009.

(2) The department may terminate the contract of any individual provider of home care services, or take any other enforcement measure deemed appropriate by the department if the individual provider's certification is revoked under chapter 2, Laws of 2009 or, if exempted from certification by RCW 18.88B.040, has not completed his or her required training pursuant to chapter 2, Laws of 2009.

(3) The department shall take appropriate enforcement action related to the contract of a private agency or facility licensed by the state, to provide personal care services, other than an individual provider, who knowingly employs a long-term care worker who is not a certified home care aide as required under chapter 2, Laws of 2009 or, if exempted from certification by RCW 18.88B.040, has not completed his or her required training pursuant to chapter 2, Laws of 2009.

(4) Chapter 34.05 RCW shall govern actions by the department under this section.

(5) The department shall adopt rules by August 1, (~~2010~~) 2013, to implement this section.

**Sec. 10.** RCW 74.39A.260 and 2009 c 580 s 9 are each amended to read as follows:

The department must perform criminal background checks for individual providers and prospective individual providers and ensure that the authority has ready access to any long-term care abuse and neglect registry used by the department. Individual providers who are hired after January 1, (~~2012~~) 2014, are subject to background checks under RCW 74.39A.055.

**Sec. 11.** RCW 74.39A.330 and 2009 c 478 s 1 are each amended to read as follows:

Long-term care workers shall be offered on-the-job training or peer mentorship for at least one hour per week in the first ninety days of work from a long-term care worker who has completed at least twelve hours of mentor training and is mentoring no more than ten other workers at any given time. This requirement applies to long-term care workers who begin work on or after (~~July 1, 2011~~) January 1, 2014.

**Sec. 12.** RCW 74.39A.340 and 2009 c 580 s 12 are each amended to read as follows:

(1) The department of health shall ensure that all long-term care workers shall complete twelve hours of continuing education training in advanced training topics each year. This requirement applies beginning on July 1, (~~2011~~) 2014.

(2) Completion of continuing education as required in this section is a prerequisite to maintaining home care aide certification under chapter 2, Laws of 2009.

(3) Unless voluntarily certified as a home care aide under chapter 2, Laws of 2009, subsection (1) of this section does not apply to:

(a) An individual provider caring only for his or her biological, step, or adoptive child; and

(b) ~~((Before June 30, 2014, a person hired as an individual provider who provides twenty hours or less of care for one person in any calendar month))~~ A person who is exempt under RCW 18.88B.040(1) so long as he or she maintains his or her credential in good standing.

(4) Only training curriculum approved by the department may be used to fulfill the training requirements specified in this section. The department shall only approve training curriculum that:

(a) Has been developed with input from consumer and worker representatives; and

(b) Requires comprehensive instruction by qualified instructors.

(5) Individual providers under RCW 74.39A.270 shall be compensated for training time required by this section.

(6) The department of health shall adopt rules by August 1, ~~((2010))~~ 2013, to implement subsections (1), (2), and (3) of this section.

(7) The department shall adopt rules by August 1, ~~((2010))~~ 2013, to implement subsection (4) of this section.

**Sec. 13.** RCW 74.39A.350 and 2009 c 580 s 13 are each amended to read as follows:

The department shall offer, directly or through contract, training opportunities sufficient for a long-term care worker to accumulate seventy hours of training within a reasonable time period. For individual providers represented by an exclusive bargaining representative under RCW 74.39A.270, the training opportunities shall be offered through the training partnership established under RCW 74.39A.360. Training topics shall include, but are not limited to: Client rights; personal care; mental illness; dementia; developmental disabilities; depression; medication assistance; advanced communication skills; positive client behavior support; developing or improving client-centered activities; dealing with wandering or aggressive client behaviors; medical conditions; nurse delegation core training; peer mentor training; and advocacy for quality care training. The department may not require long-term care workers to obtain the training described in this section. This requirement to offer advanced training applies beginning January 1, ~~((2012))~~ 2014.

**Sec. 14.** RCW 74.39A.095 and 2009 c 580 s 8 are each amended to read as follows:

(1) In carrying out case management responsibilities established under RCW 74.39A.090 for consumers who are receiving services under the medicaid personal care, community options programs entry system or chore services program through an individual provider, each area agency on aging shall provide oversight of the care being provided to consumers receiving services under this section to the extent of available funding. Case management responsibilities incorporate this oversight, and include, but are not limited to:



(a) Verification that any individual provider who has not been referred to a consumer by the authority has met any training requirements established by the department;

(b) Verification of a sample of worker time sheets;

(c) Monitoring the consumer's plan of care to verify that it adequately meets the needs of the consumer, through activities such as home visits, telephone contacts, and responses to information received by the area agency on aging indicating that a consumer may be experiencing problems relating to his or her home care;

(d) Reassessing and reauthorizing services;

(e) Monitoring of individual provider performance. If, in the course of its case management activities, the area agency on aging identifies concerns regarding the care being provided by an individual provider who was referred by the authority, the area agency on aging must notify the authority regarding its concerns; and

(f) Conducting criminal background checks or verifying that criminal background checks have been conducted for any individual provider who has not been referred to a consumer by the authority. Individual providers who are hired after January 1, (~~2012~~) 2014, are subject to background checks under RCW 74.39A.055.

(2) The area agency on aging case manager shall work with each consumer to develop a plan of care under this section that identifies and ensures coordination of health and long-term care services that meet the consumer's needs. In developing the plan, they shall utilize, and modify as needed, any comprehensive community service plan developed by the department as provided in RCW 74.39A.040. The plan of care shall include, at a minimum:

(a) The name and telephone number of the consumer's area agency on aging case manager, and a statement as to how the case manager can be contacted about any concerns related to the consumer's well-being or the adequacy of care provided;

(b) The name and telephone numbers of the consumer's primary health care provider, and other health or long-term care providers with whom the consumer has frequent contacts;

(c) A clear description of the roles and responsibilities of the area agency on aging case manager and the consumer receiving services under this section;

(d) The duties and tasks to be performed by the area agency on aging case manager and the consumer receiving services under this section;

(e) The type of in-home services authorized, and the number of hours of services to be provided;

(f) The terms of compensation of the individual provider;

(g) A statement by the individual provider that he or she has the ability and willingness to carry out his or her responsibilities relative to the plan of care; and

(h)(i) Except as provided in (h)(ii) of this subsection, a clear statement indicating that a consumer receiving services under this section has the right to waive any of the case management services offered by the area agency on aging under this section, and a clear indication of whether the consumer has, in fact, waived any of these services.

(ii) The consumer's right to waive case management services does not include the right to waive reassessment or reauthorization of services, or verification that services are being provided in accordance with the plan of care.

(3) Each area agency on aging shall retain a record of each waiver of services included in a plan of care under this section.

(4) Each consumer has the right to direct and participate in the development of their plan of care to the maximum practicable extent of their abilities and desires, and to be provided with the time and support necessary to facilitate that participation.

(5) A copy of the plan of care must be distributed to the consumer's primary care provider, individual provider, and other relevant providers with whom the consumer has frequent contact, as authorized by the consumer.

(6) The consumer's plan of care shall be an attachment to the contract between the department, or their designee, and the individual provider.

(7) If the department or area agency on aging case manager finds that an individual provider's inadequate performance or inability to deliver quality care is jeopardizing the health, safety, or well-being of a consumer receiving service under this section, the department or the area agency on aging may take action to terminate the contract between the department and the individual provider. If the department or the area agency on aging has a reasonable, good faith belief that the health, safety, or well-being of a consumer is in imminent jeopardy, the department or area agency on aging may summarily suspend the contract pending a fair hearing. The consumer may request a fair hearing to contest the planned action of the case manager, as provided in chapter 34.05 RCW. When the department or area agency on aging terminates or summarily suspends a contract under this subsection, it must provide oral and written notice of the action taken to the authority. The department may by rule adopt guidelines for implementing this subsection.

(8) The department or area agency on aging may reject a request by a consumer receiving services under this section to have a family member or other person serve as his or her individual provider if the case manager has a reasonable, good faith belief that the family member or other person will be unable to appropriately meet the care needs of the consumer. The consumer may request a fair hearing to contest the decision of the case manager, as provided in chapter 34.05 RCW. The department may by rule adopt guidelines for implementing this subsection.

**Sec. 15.** RCW 18.20.125 and 2009 c 580 s 3 are each amended to read as follows:

(1) Inspections must be outcome based and responsive to resident complaints and based on a clear set of health, quality of care, and safety standards that are easily understandable and have been made available to facilities, residents, and other interested parties. This includes that when conducting licensing inspections, the department shall interview an appropriate percentage of residents, family members, and advocates in addition to interviewing appropriate staff.

(2) Prompt and specific enforcement remedies shall also be implemented without delay, consistent with RCW 18.20.190, for facilities found to have delivered care or failed to deliver care resulting in problems that are serious, recurring, or uncorrected, or that create a hazard that is causing or likely to cause

death or serious harm to one or more residents. These enforcement remedies may also include, when appropriate, reasonable conditions on a license. In the selection of remedies, the safety, health, and well-being of residents shall be of paramount importance.

(3)(a) To the extent funding is available, the licensee, administrator, and their staff should be screened through background checks in a uniform and timely manner to ensure that they do not have a criminal history that would disqualify them from working with vulnerable adults. Employees may be provisionally hired pending the results of the background check if they have been given three positive references.

(b) Long-term care workers, as defined in RCW 74.39A.009, who are hired after January 1, ~~((2012))~~ 2014, are subject to background checks under RCW 74.39A.055.

(4) No licensee, administrator, or staff, or prospective licensee, administrator, or staff, with a stipulated finding of fact, conclusion of law, and agreed order, or finding of fact, conclusion of law, or final order issued by a disciplining authority, a court of law, or entered into the state registry finding him or her guilty of abuse, neglect, exploitation, or abandonment of a minor or a vulnerable adult as defined in chapter 74.34 RCW shall be employed in the care of and have unsupervised access to vulnerable adults.

**Sec. 16.** RCW 43.20A.710 and 2011 c 253 s 1 are each amended to read as follows:

(1) The secretary shall investigate the conviction records, pending charges and disciplinary board final decisions of:

(a) Any current employee or applicant seeking or being considered for any position with the department who will or may have unsupervised access to children, vulnerable adults, or individuals with mental illness or developmental disabilities. This includes, but is not limited to, positions conducting comprehensive assessments, financial eligibility determinations, licensing and certification activities, investigations, surveys, or case management; or for state positions otherwise required by federal law to meet employment standards;

(b) Individual providers who are paid by the state and providers who are paid by home care agencies to provide in-home services involving unsupervised access to persons with physical, mental, or developmental disabilities or mental illness, or to vulnerable adults as defined in chapter 74.34 RCW, including but not limited to services provided under chapter 74.39 or 74.39A RCW; and

(c) Individuals or businesses or organizations for the care, supervision, case management, or treatment of children, persons with developmental disabilities, or vulnerable adults, including but not limited to services contracted for under chapter 18.20, 70.127, 70.128, 72.36, or 74.39A RCW or Title 71A RCW.

(2) The secretary shall require a fingerprint-based background check through both the Washington state patrol and the federal bureau of investigation as provided in RCW 43.43.837. Unless otherwise authorized by law, the secretary shall use the information solely for the purpose of determining the character, suitability, and competence of the applicant.

(3) Except as provided in subsection (4) of this section, an individual provider or home care agency provider who has resided in the state less than three years before applying for employment involving unsupervised access to a vulnerable adult as defined in chapter 74.34 RCW must be fingerprinted for the

purpose of investigating conviction records through both the Washington state patrol and the federal bureau of investigation. This subsection applies only with respect to the provision of in-home services funded by medicaid personal care under RCW 74.09.520, community options program entry system waiver services under RCW 74.39A.030, or chore services under RCW 74.39A.110. However, this subsection does not supersede RCW 74.15.030(2)(b).

(4) Long-term care workers, as defined in RCW 74.39A.009, who are hired after January 1, ~~((2012))~~ 2014, are subject to background checks under RCW 74.39A.055, except that the department may require a background check at any time under RCW 43.43.837. For the purposes of this subsection, "background check" includes, but is not limited to, a fingerprint check submitted for the purpose of investigating conviction records through both the Washington state patrol and the federal bureau of investigation.

(5) An individual provider or home care agency provider hired to provide in-home care for and having unsupervised access to a vulnerable adult as defined in chapter 74.34 RCW must have no conviction for a disqualifying crime under RCW 43.43.830 and 43.43.842. An individual or home care agency provider must also have no conviction for a crime relating to drugs as defined in RCW 43.43.830. This subsection applies only with respect to the provision of in-home services funded by medicaid personal care under RCW 74.09.520, community options program entry system waiver services under RCW 74.39A.030, or chore services under RCW 74.39A.110.

(6) The secretary shall provide the results of the state background check on long-term care workers, including individual providers, to the persons hiring them or to their legal guardians, if any, for their determination of the character, suitability, and competence of the applicants. If the person elects to hire or retain an individual provider after receiving notice from the department that the applicant has a conviction for an offense that would disqualify the applicant from having unsupervised access to persons with physical, mental, or developmental disabilities or mental illness, or to vulnerable adults as defined in chapter 74.34 RCW, then the secretary shall deny payment for any subsequent services rendered by the disqualified individual provider.

(7) Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose.

**Sec. 17.** RCW 43.43.837 and 2011 c 253 s 2 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, in order to determine the character, competence, and suitability of any applicant or service provider to have unsupervised access, the secretary may require a fingerprint-based background check through both the Washington state patrol and the federal bureau of investigation at any time, but shall require a fingerprint-based background check when the applicant or service provider has resided in the state less than three consecutive years before application, and:

(a) Is an applicant or service provider providing services to children or people with developmental disabilities under RCW 74.15.030;

(b) Is an individual residing in an applicant or service provider's home, facility, entity, agency, or business or who is authorized by the department to provide services to children or people with developmental disabilities under RCW 74.15.030; or

(c) Is an applicant or service provider providing in-home services funded by:

- (i) Medicaid personal care under RCW 74.09.520;
- (ii) Community options program entry system waiver services under RCW 74.39A.030;
- (iii) Chore services under RCW 74.39A.110; or
- (iv) Other home and community long-term care programs, established pursuant to chapters 74.39 and 74.39A RCW, administered by the department.

(2) Long-term care workers, as defined in RCW 74.39A.009, who are hired after January 1, (~~2012~~) 2014, are subject to background checks under RCW 74.39A.055.

(3) To satisfy the shared background check requirements provided for in RCW 43.215.215 and 43.20A.710, the department of early learning and the department of social and health services shall share federal fingerprint-based background check results as permitted under the law. The purpose of this provision is to allow both departments to fulfill their joint background check responsibility of checking any individual who may have unsupervised access to vulnerable adults, children, or juveniles. Neither department may share the federal background check results with any other state agency or person.

(4) The secretary shall require a fingerprint-based background check through the Washington state patrol identification and criminal history section and the federal bureau of investigation when the department seeks to approve an applicant or service provider for a foster or adoptive placement of children in accordance with federal and state law.

(5) Any secure facility operated by the department under chapter 71.09 RCW shall require applicants and service providers to undergo a fingerprint-based background check through the Washington state patrol identification and criminal history section and the federal bureau of investigation.

(6) Service providers and service provider applicants who are required to complete a fingerprint-based background check may be hired for a one hundred twenty-day provisional period as allowed under law or program rules when:

- (a) A fingerprint-based background check is pending; and
- (b) The applicant or service provider is not disqualified based on the immediate result of the background check.

(7) Fees charged by the Washington state patrol and the federal bureau of investigation for fingerprint-based background checks shall be paid by the department for applicants or service providers providing:

- (a) Services to people with a developmental disability under RCW 74.15.030;
  - (b) In-home services funded by medicaid personal care under RCW 74.09.520;
  - (c) Community options program entry system waiver services under RCW 74.39A.030;
  - (d) Chore services under RCW 74.39A.110;
  - (e) Services under other home and community long-term care programs, established pursuant to chapters 74.39 and 74.39A RCW, administered by the department;
  - (f) Services in, or to residents of, a secure facility under RCW 71.09.115;
- and

(g) Foster care as required under RCW 74.15.030.

(8) Service providers licensed under RCW 74.15.030 must pay fees charged by the Washington state patrol and the federal bureau of investigation for conducting fingerprint-based background checks.

(9) Children's administration service providers licensed under RCW 74.15.030 may not pass on the cost of the background check fees to their applicants unless the individual is determined to be disqualified due to the background information.

(10) The department shall develop rules identifying the financial responsibility of service providers, applicants, and the department for paying the fees charged by law enforcement to roll, print, or scan fingerprints-based for the purpose of a Washington state patrol or federal bureau of investigation fingerprint-based background check.

(11) For purposes of this section, unless the context plainly indicates otherwise:

(a) "Applicant" means a current or prospective department or service provider employee, volunteer, student, intern, researcher, contractor, or any other individual who will or may have unsupervised access because of the nature of the work or services he or she provides. "Applicant" includes but is not limited to any individual who will or may have unsupervised access and is:

(i) Applying for a license or certification from the department;

(ii) Seeking a contract with the department or a service provider;

(iii) Applying for employment, promotion, reallocation, or transfer;

(iv) An individual that a department client or guardian of a department client chooses to hire or engage to provide services to himself or herself or another vulnerable adult, juvenile, or child and who might be eligible to receive payment from the department for services rendered; or

(v) A department applicant who will or may work in a department-covered position.

(b) "Authorized" means the department grants an applicant, home, or facility permission to:

(i) Conduct licensing, certification, or contracting activities;

(ii) Have unsupervised access to vulnerable adults, juveniles, and children;

(iii) Receive payments from a department program; or

(iv) Work or serve in a department-covered position.

(c) "Department" means the department of social and health services.

(d) "Secretary" means the secretary of the department of social and health services.

(e) "Secure facility" has the meaning provided in RCW 71.09.020.

(f) "Service provider" means entities, facilities, agencies, businesses, or individuals who are licensed, certified, authorized, or regulated by, receive payment from, or have contracts or agreements with the department to provide services to vulnerable adults, juveniles, or children. "Service provider" includes individuals whom a department client or guardian of a department client may choose to hire or engage to provide services to himself or herself or another vulnerable adult, juvenile, or child and who might be eligible to receive payment from the department for services rendered. "Service provider" does not include those certified under chapter 70.96A RCW.

**NEW SECTION. Sec. 18.** Except for sections 6, 10, and 14 through 17 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Passed by the House May 24, 2011.

Passed by the Senate May 25, 2011.

Approved by the Governor June 15, 2011.

Filed in Office of Secretary of State June 15, 2011.

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## CHAPTER 32

[Engrossed Second Substitute House Bill 1965]

### ADVERSE CHILDHOOD EXPERIENCES

AN ACT Relating to public and private partnership in addressing adverse childhood experiences; amending RCW 13.40.462, 43.121.100, 43.215.146, 43.215.147, 43.70.555, 74.14A.060, and 70.190.040; adding a new section to chapter 28A.300 RCW; adding a new chapter to Title 70 RCW; creating a new section; recodifying RCW 70.190.040; repealing RCW 43.121.010, 43.121.015, 43.121.020, 43.121.030, 43.121.040, 43.121.050, 43.121.060, 43.121.070, 43.121.080, 43.121.110, 43.121.120, 43.121.130, 43.121.140, 43.121.150, 43.121.160, 43.121.185, 43.121.910, 70.190.005, 70.190.010, 70.190.020, 70.190.100, 70.190.110, 70.190.120, 70.190.130, 70.190.150, 70.190.920, and 74.14C.050; and providing effective dates.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION. Sec. 1.** The legislature finds that adverse childhood experiences are a powerful common determinant of a child's ability to be successful at school and, as an adult, to be successful at work, to avoid behavioral and chronic physical health conditions, and to build healthy relationships. The purpose of this chapter is to identify the primary causes of adverse childhood experiences in communities and to mobilize broad public and private support to prevent harm to young children and reduce the accumulated harm of adverse experiences throughout childhood. A focused effort is needed to: (1) Identify and promote the use of innovative strategies based on evidence-based and research-based approaches and practices; and (2) align public and private policies and funding with approaches and strategies which have demonstrated effectiveness.

The legislature recognizes that many community public health and safety networks across the state have knowledge and expertise regarding the reduction of adverse childhood experiences and can provide leadership on this initiative in their communities. In addition, a broad range of community coalitions involved with early learning, child abuse prevention, and community mobilization have coalesced in many communities. The adverse childhood experiences initiative should coordinate and assemble the strongest components of these networks and coalitions to effectively respond to the challenge of reducing and preventing adverse childhood experiences while providing flexibility for communities to design responses that are appropriate for their community.

**NEW SECTION. Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adverse childhood experiences" means the following indicators of severe childhood stressors and family dysfunction that, when experienced in the first eighteen years of life and taken together, are proven by public health

research to be powerful determinants of physical, mental, social, and behavioral health across the lifespan: Child physical abuse; child sexual abuse; child emotional abuse; child emotional or physical neglect; alcohol or other substance abuse in the home; mental illness, depression, or suicidal behaviors in the home; incarceration of a family member; witnessing intimate partner violence; and parental divorce or separation. Adverse childhood experiences have been demonstrated to affect the development of the brain and other major body systems.

(2) "Community public health and safety networks" or "networks" means the organizations authorized under RCW 70.190.060.

(3) "Department" means the department of social and health services.

(4) "Director" means the director of the department of early learning.

(5) "Evidence-based" has the same meaning as in RCW 43.215.146.

(6) "Research-based" has the same meaning as in RCW 43.215.146.

(7) "Secretary" means the secretary of social and health services.

**NEW SECTION. Sec. 3.** (1)(a) The secretary of the department of social and health services and the director of the department of early learning shall actively participate in the development of a nongovernmental private-public initiative focused on coordinating government and philanthropic organizations' investments in the positive development of children and preventing and mitigating the effects of adverse childhood experiences. The secretary and director shall convene a planning group to work with interested private partners to: (i) Develop a process by which the goals identified in section 1 of this act shall be met; and (ii) develop recommendations for inclusive and diverse governance to advance the adverse childhood experiences initiative.

(b) The secretary and director shall select no more than twelve to fifteen persons as members of the planning group. The members selected must represent a diversity of interests including: Early learning coalitions, community public health and safety networks, organizations that work to prevent and address child abuse and neglect, tribes, representatives of public agency agencies involved with interventions in or prevention of adverse childhood experiences, philanthropic organizations, and organizations focused on community mobilization.

(c) The secretary and director shall cochair the planning group meetings and shall convene the first meeting.

(2) The planning group shall submit a report on its progress and recommendations to the appropriate legislative committees no later than December 15, 2011.

(3) In addition to other powers granted to the secretary, the secretary may:

(a) Enter into contracts on behalf of the department to carry out the purposes of this chapter;

(b) Provide funding to communities or any governance entity that is created as a result of the partnership; and

(c) Accept gifts, grants, or other funds for the purposes of this chapter.

**Sec. 4.** RCW 13.40.462 and 2006 c 304 s 2 are each amended to read as follows:

(1) The department of social and health services juvenile rehabilitation administration shall establish a reinvesting in youth program that awards grants



to counties for implementing research-based early intervention services that target juvenile justice-involved youth and reduce crime, subject to the availability of amounts appropriated for this specific purpose.

(2) Effective July 1, 2007, any county or group of counties may apply for participation in the reinvesting in youth program.

(3) Counties that participate in the reinvesting in youth program shall have a portion of their costs of serving youth through the research-based intervention service models paid for with moneys from the reinvesting in youth account established pursuant to RCW 13.40.466.

(4) The department of social and health services juvenile rehabilitation administration shall review county applications for funding through the reinvesting in youth program and shall select the counties that will be awarded grants with funds appropriated to implement this program. The department, in consultation with the Washington state institute for public policy, shall develop guidelines to determine which counties will be awarded funding in accordance with the reinvesting in youth program. At a minimum, counties must meet the following criteria in order to participate in the reinvesting in youth program:

(a) Counties must match state moneys awarded for research-based early intervention services with nonstate resources that are at least proportional to the expected local government share of state and local government cost avoidance that would result from the implementation of such services;

(b) Counties must demonstrate that state funds allocated pursuant to this section are used only for the intervention service models authorized pursuant to RCW 13.40.464;

(c) Counties must participate fully in the state quality assurance program established in RCW 13.40.468 to ensure fidelity of program implementation. If no state quality assurance program is in effect for a particular selected research-based service, the county must submit a quality assurance plan for state approval with its grant application. Failure to demonstrate continuing compliance with quality assurance plans shall be grounds for termination of state funding; and

(d) Counties that submit joint applications must submit for approval by the department of social and health services juvenile rehabilitation administration multicounty plans for efficient program delivery.

~~((5) The department of social and health services juvenile rehabilitation administration shall convene a technical advisory committee comprised of representatives from the house of representatives, the senate, the governor's office of financial management, the department of social and health services juvenile rehabilitation administration, the family policy council, the juvenile court administrator's association, and the Washington association of counties to assist in the implementation of chapter 304, Laws of 2006.))~~

**Sec. 5.** RCW 43.121.100 and 2011 c 171 s 9 are each amended to read as follows:

~~((The council may accept))~~ Contributions, grants, or gifts in cash or otherwise, including funds generated by the sale of "heirloom" birth certificates under chapter 70.58 RCW from persons, associations, or corporations and funds generated through the issuance of the "Keep Kids Safe" license plate under chapter 46.18 RCW~~((— All moneys received by the council or any employee thereof from contributions, grants, or gifts and not through appropriation by the legislature))~~, shall be deposited in a depository approved by the state treasurer to

be known as the children's trust fund. Disbursements of such funds shall be on the authorization of the ~~((council or a duly authorized representative thereof and only for the purposes stated in RCW 43.121.050))~~ director of the department of early learning beginning July 1, 2012. In order to maintain an effective expenditure and revenue control, such funds shall be subject in all respects to chapter 43.88 RCW, but no appropriation shall be required to permit expenditure of such funds.

**Sec. 6.** RCW 43.215.146 and 2007 c 466 s 2 are each amended to read as follows:

The definitions in this section apply throughout this section and RCW ((43.121.170 through) 43.215.145, 43.215.147, and 43.121.185 unless the context clearly requires otherwise.

(1) "Evidence-based" means a program or practice that has had multiple site random controlled trials across heterogeneous populations demonstrating that the program or practice is effective for the population.

(2) "Home visitation" means providing services in the permanent or temporary residence, or in other familiar surroundings, of the family receiving such services.

(3) "Research-based" means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

**Sec. 7.** RCW 43.215.147 and 2008 c 152 s 6 are each amended to read as follows:

(1) Within available funds, the ~~((council for children and families))~~ department shall fund evidence-based and research-based home visitation programs for improving parenting skills and outcomes for children. Home visitation programs must be voluntary and must address the needs of families to alleviate the effect on child development of factors such as poverty, single parenthood, parental unemployment or underemployment, parental disability, or parental lack of high school diploma, which research shows are risk factors for child abuse and neglect and poor educational outcomes. In order to maximize opportunities to obtain matching funds from private entities, general funds intended to support home visiting funding shall be appropriated to the home visiting services account established in RCW 43.215.130.

(2) The ~~((council for children and families shall develop a plan))~~ department shall work with the department of social and health services, the department of health ~~((, the department of early learning, and the family policy council)),~~ the private-public partnership created in RCW 43.215.070, and key partners and stakeholders to develop a plan to coordinate or consolidate home visitation services for children and families ~~((and report to the appropriate committees of the legislature by December 1, 2007, with their recommendations for implementation of the plan))~~ to the extent practicable.

**Sec. 8.** RCW 43.70.555 and 1998 c 245 s 77 are each amended to read as follows:

The department ~~((, in consultation with the family policy council created in chapter 70.190 RCW,))~~ shall establish, by rule, standards for local health departments and networks to use in assessment, performance measurement, policy development, and assurance regarding social development to prevent

health problems caused by risk factors empirically linked to: Violent criminal acts by juveniles, teen substance abuse, teen pregnancy and male parentage, teen suicide attempts, dropping out of school, child abuse or neglect, and domestic violence. The standards shall be based on the standards set forth in the public health services improvement plan as required by RCW 43.70.550.

**NEW SECTION. Sec. 9.** (1) Beginning July 1, 2011, the council for children and families and the department of early learning shall develop a plan for transitioning the work of the council for children and families, including public awareness campaigns, to the department of early learning. The council for children and families and the department of early learning shall participate in the development of the private-public initiative in order to streamline efforts around the prevention of child abuse and neglect and avoid duplication of effort.

(2) The executive director of the council for children and families and the director of the department of early learning shall consult with the planning group convened in section 3 of this act to develop strategies to maximize Washington's leverage and match of federal child abuse and neglect prevention moneys.

(3) No later than January 1, 2012, the council for children and families and the department of early learning shall report to the appropriate committees of the legislature on its transition plan.

**Sec. 10.** RCW 74.14A.060 and 2000 c 219 s 2 are each amended to read as follows:

Within available funds, the secretary of the department of social and health services shall ~~((charge appropriated funds to))~~ support blended funding projects for youth ~~((subject to any current or future waiver the department receives to the requirements of IV-E funding))~~. To be eligible for blended funding a child must be eligible for services designed to address a behavioral, mental, emotional, or substance abuse issue from the department of social and health services and require services from more than one categorical service delivery system. Before any blended funding project is established by the secretary, any entity or person proposing the project shall seek input from the public health and safety network or networks established in the catchment area of the project. The network or networks shall submit recommendations on the blended funding project to the ~~((family policy council))~~ private-public initiative described in section 3 of this act. The ~~((family policy council))~~ private-public initiative shall advise the secretary whether to approve the proposed blended funding project. The network shall review the proposed blended funding project pursuant to its authority to examine the decategorization of program funds under RCW 70.190.110, within the current appropriation level. The department shall document the number of children who participate in blended funding projects, the total blended funding amounts per child, the amount charged to each appropriation by program, and services provided to each child through each blended funding project and report this information to the appropriate committees of the legislature by December 1st of each year, beginning in December 1, 2000.

**Sec. 11.** RCW 70.190.040 and 1993 c 336 s 901 are each amended to read as follows:

(1) The legislature finds that helping children to arrive at school ready to learn is an important part of improving student learning.

(2) To the extent funds are appropriated, the ~~((family policy council))~~ superintendent of public instruction shall award grants to community-based consortiums that submit comprehensive plans that include strategies to improve readiness to learn.

**NEW SECTION. Sec. 12.** The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2012:

(1) RCW 43.121.010 (Legislative declaration, intent) and 1982 c 4 s 1;

(2) RCW 43.121.015 (Definitions) and 2008 c 152 s 8, 1988 c 278 s 4, & 1987 c 351 s 2;

(3) RCW 43.121.020 (Council established—Members, chairperson—Appointment, qualifications, terms, vacancies) and 2008 c 152 s 7, 2007 c 144 s 1, 1996 c 10 s 1, 1994 c 48 s 1, 1989 c 304 s 4, 1987 c 351 s 3, 1984 c 261 s 1, & 1982 c 4 s 2;

(4) RCW 43.121.030 (Compensation and travel expenses of members) and 1984 c 287 s 87 & 1982 c 4 s 3;

(5) RCW 43.121.040 (Executive director, salary—Staff) and 1982 c 4 s 4;

(6) RCW 43.121.050 (Council powers and duties—Generally—Rules) and 1988 c 278 s 5, 1987 c 351 s 4, & 1982 c 4 s 5;

(7) RCW 43.121.060 (Contracts for services—Scope of programs—Funding) and 1982 c 4 s 6;

(8) RCW 43.121.070 (Contracts for services—Factors in awarding) and 1982 c 4 s 7;

(9) RCW 43.121.080 (Contracts for services—Partial funding by administering organization, what constitutes) and 1982 c 4 s 8;

(10) RCW 43.121.110 (Parenting skills—Legislative findings) and 1988 c 278 s 1;

(11) RCW 43.121.120 (Community-based early parenting skills programs—Funding) and 1988 c 278 s 2;

(12) RCW 43.121.130 (Decreased state funding of parenting skills programs—Evaluation) and 1998 c 245 s 48 & 1988 c 278 s 3;

(13) RCW 43.121.140 (Shaken baby syndrome—Outreach campaign) and 1993 c 107 s 2;

(14) RCW 43.121.150 (Juvenile crime—Legislative findings) and 1997 c 338 s 56;

(15) RCW 43.121.160 (Postpartum depression—Public information and communication outreach campaign) and 2005 c 347 s 2;

(16) RCW 43.121.185 (Children's trust of Washington renamed) and 2008 c 152 s 5 & 2007 c 466 s 4; and

(17) RCW 43.121.910 (Severability—1982 c 4) and 1982 c 4 s 15.

**NEW SECTION. Sec. 13.** The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2012:

(1) RCW 70.190.005 (Purpose) and 1994 sp.s. c 7 s 301 & 1992 c 198 s 1;

(2) RCW 70.190.010 (Definitions) and 2009 c 565 s 52, 2009 c 479 s 58, 1996 c 132 s 2, 1995 c 399 s 200, & 1992 c 198 s 3;

(3) RCW 70.190.020 (Consolidate efforts of existing entities) and 1994 sp.s. c 7 s 315 & 1992 c 198 s 4;

(4) RCW 70.190.100 (Duties of council) and 2009 c 479 s 59, 1998 c 245 s 123, & 1994 sp.s. c 7 s 307;

(5) RCW 70.190.110 (Program review) and 1998 c 245 s 124 & 1994 sp.s. c 7 s 308;

(6) RCW 70.190.120 (Interagency agreement) and 1994 sp.s. c 7 s 309;

(7) RCW 70.190.130 (Comprehensive plan—Approval process—Network expenditures—Penalty for noncompliance with chapter) and 1998 c 314 s 13, 1996 c 132 s 8, & 1994 sp.s. c 7 s 310;

(8) RCW 70.190.150 (Federal restrictions on funds transfers, waivers) and 1994 sp.s. c 7 s 312; and

(9) RCW 70.190.920 (Effective date—1992 c 198) and 1992 c 198 s 21.

NEW SECTION. Sec. 14. RCW 74.14C.050 (Implementation and evaluation plan) and 1995 c 311 s 9 & 1992 c 214 s 6 are each repealed.

NEW SECTION. Sec. 15. RCW 70.190.040 is recodified as a section in chapter 28A.300 RCW.

NEW SECTION. Sec. 16. Sections 1 through 3 of this act constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 17. Section 5 of this act takes effect July 1, 2012.

Passed by the House May 23, 2011.

Passed by the Senate May 22, 2011.

Approved by the Governor June 15, 2011.

Filed in Office of Secretary of State June 15, 2011.

## CHAPTER 33

[Engrossed House Bill 2003]

### CHILDREN'S HEALTH CARE COVERAGE

AN ACT Relating to premium payments for children's health coverage for children in families with income greater than two hundred percent of the federal poverty level who are not eligible for the federal children's health insurance program; amending RCW 74.09.470 and 74.09.470; providing an effective date; providing contingent effective dates; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

**Sec. 1.** RCW 74.09.470 and 2009 c 463 s 2 are each amended to read as follows:

(1) Consistent with the goals established in RCW 74.09.402, through the apple health for kids program authorized in this section, the department shall provide affordable health care coverage to children under the age of nineteen who reside in Washington state and whose family income at the time of enrollment is not greater than two hundred fifty percent of the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services, and effective January 1, 2009, and only to the extent that funds are specifically appropriated therefor, to children whose family income is not greater than three hundred percent of the federal poverty level. In administering the program, the department shall take such actions as may be necessary to ensure the receipt of federal financial participation under the medical assistance program, as codified at Title XIX of the federal social security act, the ((state)) children's health insurance program, as codified at Title XXI of the federal social security act, and any other federal funding sources that are now available or may become available in the future.

The department and the caseload forecast council shall estimate the anticipated caseload and costs of the program established in this section.

(2) The department shall accept applications for enrollment for children's health care coverage; establish appropriate minimum-enrollment periods, as may be necessary; and determine eligibility based on current family income. The department shall make eligibility determinations within the time frames for establishing eligibility for children on medical assistance, as defined by RCW 74.09.510. The application and annual renewal processes shall be designed to minimize administrative barriers for applicants and enrolled clients, and to minimize gaps in eligibility for families who are eligible for coverage. If a change in family income results in a change in the source of funding for coverage, the department shall transfer the family members to the appropriate source of funding and notify the family with respect to any change in premium obligation, without a break in eligibility. The department shall use the same eligibility redetermination and appeals procedures as those provided for children on medical assistance programs. The department shall modify its eligibility renewal procedures to lower the percentage of children failing to annually renew. The department shall manage its outreach, application, and renewal procedures with the goals of: (a) Achieving year by year improvements in enrollment, enrollment rates, renewals, and renewal rates; (b) maximizing the use of existing program databases to obtain information related to earned and unearned income for purposes of eligibility determination and renewals, including, but not limited to, the basic food program, the child care subsidy program, federal social security administration programs, and the employment security department wage database; (c) streamlining renewal processes to rely primarily upon data matches, online submissions, and telephone interviews; and (d) implementing any other eligibility determination and renewal processes to allow the state to receive an enhanced federal matching rate and additional federal outreach funding available through the federal children's health insurance program reauthorization act of 2009 by January 2010. The department shall advise the governor and the legislature regarding the status of these efforts by September 30, 2009. The information provided should include the status of the department's efforts, the anticipated impact of those efforts on enrollment, and the costs associated with that enrollment.

(3) To ensure continuity of care and ease of understanding for families and health care providers, and to maximize the efficiency of the program, the amount, scope, and duration of health care services provided to children under this section shall be the same as that provided to children under medical assistance, as defined in RCW 74.09.520.

(4) The primary mechanism for purchasing health care coverage under this section shall be through contracts with managed health care systems as defined in RCW 74.09.522, subject to conditions, limitations, and appropriations provided in the biennial appropriations act. However, the department shall make every effort within available resources to purchase health care coverage for uninsured children whose families have access to dependent coverage through an employer-sponsored health plan or another source when it is cost-effective for the state to do so, and the purchase is consistent with requirements of Title XIX and Title XXI of the federal social security act. To the extent allowable under federal law, the department shall require families to enroll in available employer-

sponsored coverage, as a condition of participating in the program established under this section, when it is cost-effective for the state to do so. Families who enroll in available employer-sponsored coverage under this section shall be accounted for separately in the annual report required by RCW 74.09.053.

(5)(a) To reflect appropriate parental responsibility, the department shall develop and implement a schedule of premiums for children's health care coverage due to the department from families with income greater than two hundred percent of the federal poverty level. For families with income greater than two hundred fifty percent of the federal poverty level, the premiums shall be established in consultation with the senate majority and minority leaders and the speaker and minority leader of the house of representatives. For children eligible for coverage under the federally funded children's health insurance program, Title XXI of the federal social security act, premiums shall be set at a reasonable level that does not pose a barrier to enrollment. The amount of the premium shall be based upon family income and shall not exceed the premium limitations in Title XXI of the federal social security act. For children who are not eligible for coverage under the federally funded children's health insurance program, premiums shall be set every two years in an amount no greater than the average state-only share of the per capita cost of coverage in the state-funded children's health program.

(b) Premiums shall not be imposed on children in households at or below two hundred percent of the federal poverty level as articulated in RCW 74.09.055.

~~((b))~~ (c) Beginning no later than January 1, 2010, the department shall offer families whose income is greater than three hundred percent of the federal poverty level the opportunity to purchase health care coverage for their children through the programs administered under this section without an explicit premium subsidy from the state. The design of the health benefit package offered to these children should provide a benefit package substantially similar to that offered in the apple health for kids program, and may differ with respect to cost-sharing, and other appropriate elements from that provided to children under subsection (3) of this section including, but not limited to, application of preexisting conditions, waiting periods, and other design changes needed to offer affordable coverage. The amount paid by the family shall be in an amount equal to the rate paid by the state to the managed health care system for coverage of the child, including any associated and administrative costs to the state of providing coverage for the child. Any pooling of the program enrollees that results in state fiscal impact must be identified and brought to the legislature for consideration.

(6) The department shall undertake and continue a proactive, targeted outreach and education effort with the goal of enrolling children in health coverage and improving the health literacy of youth and parents. The department shall collaborate with the department of health, local public health jurisdictions, the office of the superintendent of public instruction, the department of early learning, health educators, health care providers, health carriers, community-based organizations, and parents in the design and development of this effort. The outreach and education effort shall include the following components:

(a) Broad dissemination of information about the availability of coverage, including media campaigns;

(b) Assistance with completing applications, and community-based outreach efforts to help people apply for coverage. Community-based outreach efforts should be targeted to the populations least likely to be covered;

(c) Use of existing systems, such as enrollment information from the free and reduced-price lunch program, the department of early learning child care subsidy program, the department of health's women, infants, and children program, and the early childhood education and assistance program, to identify children who may be eligible but not enrolled in coverage;

(d) Contracting with community-based organizations and government entities to support community-based outreach efforts to help families apply for coverage. These efforts should be targeted to the populations least likely to be covered. The department shall provide informational materials for use by government entities and community-based organizations in their outreach activities, and should identify any available federal matching funds to support these efforts;

(e) Development and dissemination of materials to engage and inform parents and families statewide on issues such as: The benefits of health insurance coverage; the appropriate use of health services, including primary care provided by health care practitioners licensed under chapters 18.71, 18.57, 18.36A, and 18.79 RCW, and emergency services; the value of a medical home, well-child services and immunization, and other preventive health services with linkages to department of health child profile efforts; identifying and managing chronic conditions such as asthma and diabetes; and the value of good nutrition and physical activity;

(f) An evaluation of the outreach and education efforts, based upon clear, cost-effective outcome measures that are included in contracts with entities that undertake components of the outreach and education effort;

(g) An implementation plan to develop online application capability that is integrated with the department's automated client eligibility system, and to develop data linkages with the office of the superintendent of public instruction for free and reduced-price lunch enrollment information and the department of early learning for child care subsidy program enrollment information.

(7) The department shall take action to increase the number of primary care physicians providing dental disease preventive services including oral health screenings, risk assessment, family education, the application of fluoride varnish, and referral to a dentist as needed.

(8) The department shall monitor the rates of substitution between private-sector health care coverage and the coverage provided under this section and shall report to appropriate committees of the legislature by December 2010.

**Sec. 2.** RCW 74.09.470 and 2011 1st sp.s. c . . . (2E2SHB 1738) s 21 are each amended to read as follows:

(1) Consistent with the goals established in RCW 74.09.402, through the apple health for kids program authorized in this section, the authority shall provide affordable health care coverage to children under the age of nineteen who reside in Washington state and whose family income at the time of enrollment is not greater than two hundred fifty percent of the federal poverty level as adjusted for family size and determined annually by the federal



department of health and human services, and effective January 1, 2009, and only to the extent that funds are specifically appropriated therefor, to children whose family income is not greater than three hundred percent of the federal poverty level. In administering the program, the authority shall take such actions as may be necessary to ensure the receipt of federal financial participation under the medical assistance program, as codified at Title XIX of the federal social security act, the state children's health insurance program, as codified at Title XXI of the federal social security act, and any other federal funding sources that are now available or may become available in the future. The authority and the caseload forecast council shall estimate the anticipated caseload and costs of the program established in this section.

(2) The authority shall accept applications for enrollment for children's health care coverage; establish appropriate minimum-enrollment periods, as may be necessary; and determine eligibility based on current family income. The authority shall make eligibility determinations within the time frames for establishing eligibility for children on medical assistance, as defined by RCW 74.09.510. The application and annual renewal processes shall be designed to minimize administrative barriers for applicants and enrolled clients, and to minimize gaps in eligibility for families who are eligible for coverage. If a change in family income results in a change in the source of funding for coverage, the authority shall transfer the family members to the appropriate source of funding and notify the family with respect to any change in premium obligation, without a break in eligibility. The authority shall use the same eligibility redetermination and appeals procedures as those provided for children on medical assistance programs. The authority shall modify its eligibility renewal procedures to lower the percentage of children failing to annually renew. The authority shall manage its outreach, application, and renewal procedures with the goals of: (a) Achieving year by year improvements in enrollment, enrollment rates, renewals, and renewal rates; (b) maximizing the use of existing program databases to obtain information related to earned and unearned income for purposes of eligibility determination and renewals, including, but not limited to, the basic food program, the child care subsidy program, federal social security administration programs, and the employment security department wage database; (c) streamlining renewal processes to rely primarily upon data matches, online submissions, and telephone interviews; and (d) implementing any other eligibility determination and renewal processes to allow the state to receive an enhanced federal matching rate and additional federal outreach funding available through the federal children's health insurance program reauthorization act of 2009 by January 2010. The department shall advise the governor and the legislature regarding the status of these efforts by September 30, 2009. The information provided should include the status of the department's efforts, the anticipated impact of those efforts on enrollment, and the costs associated with that enrollment.

(3) To ensure continuity of care and ease of understanding for families and health care providers, and to maximize the efficiency of the program, the amount, scope, and duration of health care services provided to children under this section shall be the same as that provided to children under medical assistance, as defined in RCW 74.09.520.

(4) The primary mechanism for purchasing health care coverage under this section shall be through contracts with managed health care systems as defined in RCW 74.09.522, subject to conditions, limitations, and appropriations provided in the biennial appropriations act. However, the authority shall make every effort within available resources to purchase health care coverage for uninsured children whose families have access to dependent coverage through an employer-sponsored health plan or another source when it is cost-effective for the state to do so, and the purchase is consistent with requirements of Title XIX and Title XXI of the federal social security act. To the extent allowable under federal law, the authority shall require families to enroll in available employer-sponsored coverage, as a condition of participating in the program established under this section, when it is cost-effective for the state to do so. Families who enroll in available employer-sponsored coverage under this section shall be accounted for separately in the annual report required by RCW 74.09.053.

(5)(a) To reflect appropriate parental responsibility, the authority shall develop and implement a schedule of premiums for children's health care coverage due to the authority from families with income greater than two hundred percent of the federal poverty level. For families with income greater than two hundred fifty percent of the federal poverty level, the premiums shall be established in consultation with the senate majority and minority leaders and the speaker and minority leader of the house of representatives. For children eligible for coverage under the federally funded children's health insurance program, Title XXI of the federal social security act, premiums shall be set at a reasonable level that does not pose a barrier to enrollment. The amount of the premium shall be based upon family income and shall not exceed the premium limitations in Title XXI of the federal social security act. For children who are not eligible for coverage under the federally funded children's health insurance program, premiums shall be set every two years in an amount no greater than the average state-only share of the per capita cost of coverage in the state-funded children's health program.

(b) Premiums shall not be imposed on children in households at or below two hundred percent of the federal poverty level as articulated in RCW 74.09.055.

~~((b))~~ (c) Beginning no later than January 1, 2010, the authority shall offer families whose income is greater than three hundred percent of the federal poverty level the opportunity to purchase health care coverage for their children through the programs administered under this section without an explicit premium subsidy from the state. The design of the health benefit package offered to these children should provide a benefit package substantially similar to that offered in the apple health for kids program, and may differ with respect to cost-sharing, and other appropriate elements from that provided to children under subsection (3) of this section including, but not limited to, application of preexisting conditions, waiting periods, and other design changes needed to offer affordable coverage. The amount paid by the family shall be in an amount equal to the rate paid by the state to the managed health care system for coverage of the child, including any associated and administrative costs to the state of providing coverage for the child. Any pooling of the program enrollees that results in state fiscal impact must be identified and brought to the legislature for consideration.

(6) The authority shall undertake and continue a proactive, targeted outreach and education effort with the goal of enrolling children in health coverage and improving the health literacy of youth and parents. The authority shall collaborate with the department of social and health services, department of health, local public health jurisdictions, the office of the superintendent of public instruction, the department of early learning, health educators, health care providers, health carriers, community-based organizations, and parents in the design and development of this effort. The outreach and education effort shall include the following components:

(a) Broad dissemination of information about the availability of coverage, including media campaigns;

(b) Assistance with completing applications, and community-based outreach efforts to help people apply for coverage. Community-based outreach efforts should be targeted to the populations least likely to be covered;

(c) Use of existing systems, such as enrollment information from the free and reduced-price lunch program, the department of early learning child care subsidy program, the department of health's women, infants, and children program, and the early childhood education and assistance program, to identify children who may be eligible but not enrolled in coverage;

(d) Contracting with community-based organizations and government entities to support community-based outreach efforts to help families apply for coverage. These efforts should be targeted to the populations least likely to be covered. The authority shall provide informational materials for use by government entities and community-based organizations in their outreach activities, and should identify any available federal matching funds to support these efforts;

(e) Development and dissemination of materials to engage and inform parents and families statewide on issues such as: The benefits of health insurance coverage; the appropriate use of health services, including primary care provided by health care practitioners licensed under chapters 18.71, 18.57, 18.36A, and 18.79 RCW, and emergency services; the value of a medical home, well-child services and immunization, and other preventive health services with linkages to department of health child profile efforts; identifying and managing chronic conditions such as asthma and diabetes; and the value of good nutrition and physical activity;

(f) An evaluation of the outreach and education efforts, based upon clear, cost-effective outcome measures that are included in contracts with entities that undertake components of the outreach and education effort;

(g) An implementation plan to develop online application capability that is integrated with the automated client eligibility system, and to develop data linkages with the office of the superintendent of public instruction for free and reduced-price lunch enrollment information and the department of early learning for child care subsidy program enrollment information.

(7) The authority shall take action to increase the number of primary care physicians providing dental disease preventive services including oral health screenings, risk assessment, family education, the application of fluoride varnish, and referral to a dentist as needed.

(8) The department shall monitor the rates of substitution between private-sector health care coverage and the coverage provided under this section.

**Ch. 33**                      **WASHINGTON LAWS, 2011 Sp. Sess.**

NEW SECTION. Sec. 3. (1) Section 1 of this act takes effect if section 21, chapter . . . (2E2SHB 1738), Laws of 2011 1st sp. sess. is not enacted into law.

(2) Section 2 of this act takes effect if section 21, chapter . . . (2E2SHB 1738), Laws of 2011 1st sp. sess. is enacted into law.

NEW SECTION. Sec. 4. Subject to section 3 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect April 1, 2011.

Passed by the House May 24, 2011.

Passed by the Senate May 25, 2011.

Approved by the Governor June 15, 2011.

Filed in Office of Secretary of State June 15, 2011.

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**CHAPTER 34**

[Engrossed Substitute House Bill 2065]

**ALTERNATIVE LEARNING STUDENTS—FUNDING**

AN ACT Relating to allocation of funding for students enrolled in alternative learning experiences; amending RCW 28A.150.262, 28A.250.005, 28A.250.010, 28A.250.020, 28A.250.030, 28A.250.060, 28A.150.260, 28A.150.100, and 28A.250.050; adding a new section to chapter 28A.150 RCW; creating a new section; providing an effective date; and providing an expiration date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. (1) Under Article IX of the Washington state Constitution, all children are entitled to an opportunity to receive a basic education. Although the state must assure that students in public schools have opportunities to participate in the instructional program of basic education, there is no obligation for either the state or school districts to provide that instruction using a particular delivery method or through a particular program.

(2) The legislature finds ample evidence of the need to examine and reconsider policies under which alternative learning that occurs outside the classroom using an individual student learning plan may be considered equivalent to full-time attendance in school, including for funding purposes. Previous legislative studies have raised questions about financial practices and accountability in alternative learning experience programs. Since 2005, there has been significant enrollment growth in alternative learning experience online programs, with evidence of unexpected financial impact when large numbers of nonresident students enroll in programs. Based on this evidence, there is a rational basis on which to conclude that there are different costs associated with providing a program not primarily based on full-time, daily contact between teachers and students and not primarily occurring on-site in a classroom.

(3) For these reasons, the legislature intends to allow for continuing review and revision of the way in which state funding allocations are used to support alternative learning experience programs.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.150 RCW to read as follows:

(1) For purposes of this chapter, "alternative learning experience program" means a course or set of courses that is:

(a) Provided in whole or in part independently from a regular classroom setting or schedule, but may include some components of direct instruction;

(b) Supervised, monitored, assessed, evaluated, and documented by a certificated teacher employed by the school district or under contract as permitted by applicable rules; and

(c) Provided in accordance with a written student learning plan that is implemented pursuant to the school district's policy and rules adopted by the superintendent of public instruction for alternative learning experiences.

(2) The broad categories of alternative learning experience programs include, but are not limited to:

(a) Online programs as defined in RCW 28A.150.262;

(b) Parent partnership programs that include significant participation and partnership by parents and families in the design and implementation of a student's learning experience; and

(c) Contract-based learning programs.

(3) School districts that offer alternative learning experience programs may not provide any compensation, reimbursement, gift, reward, or gratuity to any parents, guardians, or students for participation. School district employees are prohibited from receiving any compensation or payment as an incentive to increase student enrollment of out-of-district students in an alternative learning experience program. This prohibition includes, but is not limited to, providing funds to parents, guardians, or students for the purchase of educational materials, supplies, experiences, services, or technological equipment. A district may purchase educational materials, equipment, or other nonconsumable supplies for students' use in alternative learning experience programs if the purchase is consistent with the district's approved curriculum, conforms to applicable laws and rules, and is made in the same manner as such purchases are made for students in the district's regular instructional program. Items so purchased remain the property of the school district upon program completion. School districts may not purchase or contract for instructional or co-curricular experiences and services that are included in an alternative learning experience written student learning plan, including but not limited to lessons, trips, and other activities, unless substantially similar experiences and services are available to students enrolled in the district's regular instructional program. School districts that purchase or contract for such experiences and services for students enrolled in an alternative learning experience program must submit an annual report to the office of the superintendent of public instruction detailing the costs and purposes of the expenditures. These requirements extend to contracted providers of alternative learning experience programs, and each district shall be responsible for monitoring the compliance of its providers with these requirements. However, nothing in this section shall prohibit school districts from contracting with online providers approved by the office of the superintendent of public instruction pursuant to chapter 28A.250 RCW.

(4) Part-time enrollment in alternative learning experiences is subject to the provisions of RCW 28A.150.350.

(5) The superintendent of public instruction shall adopt rules defining minimum requirements and accountability for alternative learning experience programs.

**Sec. 3.** RCW 28A.150.262 and 2009 c 542 s 9 are each amended to read as follows:

Under RCW 28A.150.260, the superintendent of public instruction shall revise the definition of a full-time equivalent student to include students who receive instruction through alternative learning experience online programs. As used in this section and section 2 of this act, an "alternative learning experience online program" is a set of online courses or an online school program as defined in RCW 28A.250.010 that is delivered to students in whole or in part independently from a regular classroom schedule. ~~((The superintendent of public instruction has the authority to adopt rules to implement the revised definition beginning with the 2005-2007 biennium for school districts claiming state funding for the programs.))~~ Beginning in the 2013-14 school year, alternative learning experience online programs must be offered by an online provider approved by the superintendent of public instruction under RCW 28A.250.020 to meet the definition in this section. The rules shall include but not be limited to the following:

(1) Defining a full-time equivalent student under RCW 28A.150.260 or part-time student under RCW 28A.150.350 based upon the district's estimated average weekly hours of learning activity as identified in the student's learning plan, as long as the student is found, through monthly evaluation, to be making satisfactory progress; the rules shall require districts providing programs under this section to nonresident students to establish procedures that address, at a minimum, the coordination of student counting for state funding so that no student is counted for more than one full-time equivalent in the aggregate;

(2) Requiring the board of directors of a school district offering, or contracting under RCW 28A.150.305 to offer, an alternative learning experience online program to adopt and annually review written policies for each program and program provider and to receive an annual report on its digital alternative learning experience online programs from its staff;

(3) Requiring each school district offering or contracting to offer an alternative learning experience online program to report annually to the superintendent of public instruction on the types of programs and course offerings, and number of students participating;

(4) Requiring completion of a program self-evaluation;

(5) Requiring documentation of the district of the student's physical residence;

(6) Requiring that supervision, monitoring, assessment, and evaluation of the alternative learning experience online program be provided by a certificated ~~((instructional staff))~~ teacher;

(7) Requiring each school district offering courses or programs to identify the ratio of certificated instructional staff to full-time equivalent students enrolled in such courses or programs, and to include a description of their ratio as part of the reports required under subsections (2) and (3) of this section;

(8) Requiring reliable methods to verify a student is doing his or her own work; the methods may include proctored examinations or projects, including the use of web cams or other technologies. "Proctored" means directly monitored by an adult authorized by the school district;

(9) Requiring, for each student receiving instruction in an alternative learning experience online program, a learning plan that includes a description

of course objectives and information on the requirements a student must meet to successfully complete the program or courses. The rules shall allow course syllabi and other additional information to be used to meet the requirement for a learning plan;

(10) Requiring that the district assess the educational progress of enrolled students at least annually, using, for full-time students, the state assessment for the student's grade level and using any other annual assessments required by the school district. Part-time students shall also be assessed at least annually. However, part-time students who are either receiving home-based instruction under chapter 28A.200 RCW or who are enrolled in an approved private school under chapter 28A.195 RCW are not required to participate in the assessments required under chapter 28A.655 RCW. The rules shall address how students who reside outside the geographic service area of the school district are to be assessed;

(11) Requiring that each student enrolled in the program have direct personal contact with a certificated (~~instructional staff~~) teacher at least weekly until the student completes the course objectives or the requirements in the learning plan. Direct personal contact is for the purposes of instruction, review of assignments, testing, evaluation of student progress, or other learning activities. Direct personal contact may include the use of telephone, e-mail, instant messaging, interactive video communication, or other means of digital communication;

(12) Requiring state-funded public schools or public school programs whose primary purpose is to provide alternative learning experience online learning programs to receive accreditation through the Northwest (~~association of accredited schools~~) accreditation commission or another national, regional, or state accreditation program listed by the office of the superintendent of public instruction after consultation with the Washington coalition for online learning;

(13) Requiring state-funded public schools or public school programs whose primary purpose is to provide alternative learning experience online learning to provide information to students and parents on whether or not the courses or programs: Cover one or more of the school district's learning goals or of the state's essential academic learning requirements or whether they permit the student to meet one or more of the state's or district's graduation requirements; and

(14) Requiring that a school district that provides one or more alternative learning experience online courses to a student provide the parent or guardian of the student, prior to the student's enrollment, with a description of any difference between home-based education as described in chapter 28A.200 RCW and the enrollment option selected by the student. The parent or guardian shall sign documentation attesting to his or her understanding of the difference and the documentation shall be retained by the district and made available for audit.

**Sec. 4.** RCW 28A.250.005 and 2009 c 542 s 1 are each amended to read as follows:

(1) The legislature finds that online learning provides tremendous opportunities for students to access curriculum, courses, and a unique learning environment that might not otherwise be available. The legislature supports and encourages online learning opportunities.

(2) However, the legislature also finds that there is a need to assure quality in online learning, both for the programs and the administration of those programs. The legislature is the steward of public funds that support students enrolled in online learning and must ensure an appropriate accountability system at the state level.

(3) Therefore, the legislature intends to take a first step in improving oversight and quality assurance of online learning programs, and intends to examine possible additional steps that may need to be taken to improve financial accountability.

(4) The first step in improving quality assurance is to:

(a) Provide objective information to students, parents, and educators regarding available online learning opportunities, including program and course content, how to register for programs and courses, teacher qualifications, student-to-teacher ratios, prior course completion rates, and other evaluative information;

(b) Create an approval process for ~~((multidistrict))~~ online providers;

(c) Enhance statewide equity of student access to high quality online learning opportunities; and

(d) Require school district boards of directors to develop policies and procedures for student access to online learning opportunities.

**Sec. 5.** RCW 28A.250.010 and 2009 c 542 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1)(a) "Multidistrict online provider" means:

(i) A private or nonprofit organization that enters into a contract with a school district to provide online courses or programs to K-12 students from more than one school district;

(ii) A private or nonprofit organization that enters into contracts with multiple school districts to provide online courses or programs to K-12 students from those districts; or

(iii) Except as provided in (b) of this subsection, a school district that provides online courses or programs to students who reside outside the geographic boundaries of the school district.

(b) "Multidistrict online provider" does not include a school district online learning program in which fewer than ten percent of the students enrolled in the program are from other districts under the interdistrict student transfer provisions of RCW 28A.225.225. "Multidistrict online provider" also does not include regional online learning programs that are jointly developed and implemented by two or more school districts or an educational service district through an interdistrict cooperative program agreement that addresses, at minimum, how the districts share student full-time equivalency for state basic education funding purposes and how categorical education programs, including special education, are provided to eligible students.

(2)(a) "Online course" means a course ~~((that))~~ where:

(i) More than half of the course content is delivered ~~((primarily))~~ electronically using the internet or other computer-based methods; and

(ii) ~~((Is taught by a teacher primarily from a remote location. Students enrolled in an online course may have access to the teacher synchronously,~~



~~asynchronously, or both~~) More than half of the teaching is conducted from a remote location through an online course learning management system or other online or electronic tools.

(b) "Online school program" means a school program that:

(i) Offers courses or grade-level coursework that is delivered primarily electronically using the internet or other computer-based methods;

(ii) Offers courses or grade-level coursework that is taught by a teacher primarily from a remote location using online or other electronic tools. Students enrolled in an online program may have access to the teacher synchronously, asynchronously, or both;

(iii) ~~((Delivers a part-time or full-time sequential program))~~ Offers a sequential set of online courses or grade-level coursework that may be taken in a single school term or throughout the school year in a manner that could provide a full-time basic education program if so desired by the student. Students may enroll in the program as part-time or full-time students; and

(iv) Has an online component of the program with online lessons and tools for student and data management.

(c) An online course or online school program may be delivered to students at school as part of the regularly scheduled school day. An online course or online school program also may be delivered to students, in whole or in part, independently from a regular classroom schedule, but such courses or programs must comply with RCW 28A.150.262 to qualify for state basic education funding.

(3) "Online provider" means any provider of an online course or program, including multidistrict online providers, all school district online learning programs, and all regional online learning programs.

**Sec. 6.** RCW 28A.250.020 and 2009 c 542 s 3 are each amended to read as follows:

(1) The superintendent of public instruction, in collaboration with the state board of education, shall develop and implement approval criteria and a process for approving ~~((multidistrict))~~ online providers; a process for monitoring and if necessary rescinding the approval of courses or programs offered by an online ~~((course))~~ provider; and an appeals process. The criteria and processes for multidistrict online providers shall be adopted by rule by December 1, 2009.

(2) When developing the approval criteria, the superintendent of public instruction shall require that providers offering online courses or programs have accreditation through the Northwest ~~((association of accredited schools))~~ accreditation commission or another national, regional, or state accreditation program listed by the office of the superintendent of public instruction after consultation with the Washington coalition for online learning. In addition to other criteria, the approval criteria shall include the degree of alignment with state academic standards and require that all teachers be certificated in accordance with Washington state law. When reviewing ~~((multidistrict))~~ online providers that offer high school courses, the superintendent of public instruction shall assure that the courses offered by the provider are eligible for high school credit. However, final decisions regarding ~~((the awarding of high school credit))~~ whether credit meets the school district's graduation requirements shall remain the responsibility of the school districts.

(3) Initial approval of (~~multidistrict~~) online providers by the superintendent of public instruction shall be for four years. The superintendent of public instruction shall develop a process for the renewal of approvals and for rescinding approvals based on noncompliance with approval requirements. Any multidistrict online provider that was approved by the digital learning commons or accredited by the Northwest association of accredited schools before July 26, 2009, and that meets the teacher certification requirements of subsection (2) of this section, is exempt from the initial approval process under this section until August 31, 2012, but must comply with the process for renewal of approvals and must comply with approval requirements.

(4) The superintendent of public instruction shall make the first round of decisions regarding approval of multidistrict online providers by April 1, 2010. The first round of decisions regarding approval of online providers that are not multidistrict online providers shall be made by April 1, 2013. Thereafter, the superintendent of public instruction shall make annual approval decisions no later than November 1st of each year.

(5) The superintendent of public instruction shall establish an online learning advisory committee within existing resources that shall provide advice to the superintendent regarding the approval criteria, major components of the web site, the model school district policy, model agreements, and other related matters. The committee shall include a representative of each of the following groups: Private and public online providers, parents of online students, accreditation organizations, educational service districts, school principals, teachers, school administrators, school board members, institutions of higher education, and other individuals as determined by the superintendent. Members of the advisory committee shall be selected by the superintendent based on nominations from statewide organizations, shall serve three-year terms, and may be reappointed. The superintendent shall select the chair of the committee.

**Sec. 7.** RCW 28A.250.030 and 2009 c 542 s 4 are each amended to read as follows:

The superintendent of public instruction shall create an office of online learning. In the initial establishment of the office, the superintendent shall hire staff who have been employed by the digital learning commons to the extent such hiring is in accordance with state law and to the extent funds are available. The office shall:

(1) Develop and maintain a web site that provides objective information for students, parents, and educators regarding online learning opportunities offered by (~~multidistrict~~) online providers that have been approved in accordance with RCW 28A.250.020. The web site shall include information regarding the online course provider's overall instructional program, specific information regarding the content of individual online courses and online school programs, a direct link to each online course provider's web site, how to register for online learning programs and courses, teacher qualifications, student-to-teacher ratios, course completion rates, and other evaluative and comparative information. The web site shall also provide information regarding the process and criteria for approving (~~multidistrict~~) online providers. To the greatest extent possible, the superintendent shall use the framework of the course offering component of the web site developed by the digital learning commons;

(2) Develop model agreements with approved (~~multidistrict~~) online providers that address standard contract terms and conditions that may apply to contracts between a school district and the approved provider. The purpose of the agreements is to provide a template to assist individual school districts, at the discretion of the district, in contracting with (~~multidistrict~~) online providers to offer the (~~multidistrict~~) online provider's courses and programs to students in the district. The agreements may address billing, fees, responsibilities of online course providers and school districts, and other issues; and

(3) In collaboration with the educational service districts:

(a) Provide technical assistance and support to school district personnel through the educational technology centers in the development and implementation of online learning programs in their districts; and

(b) To the extent funds are available, provide online learning tools for students, teachers, administrators, and other educators.

**Sec. 8.** RCW 28A.250.060 and 2009 c 542 s 7 are each amended to read as follows:

(1) Beginning with the 2011-12 school year, school districts may claim state (~~basic education~~) funding under RCW 28A.150.260, to the extent otherwise allowed by state law, for students enrolled in online courses or programs only if the online courses or programs are:

(a) Offered by a multidistrict online provider approved under RCW 28A.250.020 by the superintendent of public instruction;

(b) Offered by a school district online learning program if the program serves students who reside within the geographic boundaries of the school district, including school district programs in which fewer than ten percent of the program's students reside outside the school district's geographic boundaries; or

(c) Offered by a regional online learning program where courses are jointly developed and offered by two or more school districts or an educational service district through an interdistrict cooperative program agreement.

(2) Beginning with the 2013-14 school year, school districts may claim state funding under RCW 28A.150.260, to the extent otherwise allowed by state law, for students enrolled in online courses or programs only if the online courses or programs are offered by an online provider approved under RCW 28A.250.020 by the superintendent of public instruction.

(3) Criteria shall be established by the superintendent of public instruction to allow online courses that have not been approved by the superintendent of public instruction to be eligible for state funding if the course is in a subject matter in which no courses have been approved and, if it is a high school course, the course meets Washington high school graduation requirements.

**Sec. 9.** RCW 28A.150.260 and 2010 c 236 s 2 are each amended to read as follows:

The purpose of this section is to provide for the allocation of state funding that the legislature deems necessary to support school districts in offering the minimum instructional program of basic education under RCW 28A.150.220. The allocation shall be determined as follows:

(1) The governor shall and the superintendent of public instruction may recommend to the legislature a formula for the distribution of a basic education instructional allocation for each common school district.

(2) The distribution formula under this section shall be for allocation purposes only. Except as may be required under chapter 28A.155, 28A.165, 28A.180, or 28A.185 RCW, or federal laws and regulations, nothing in this section requires school districts to use basic education instructional funds to implement a particular instructional approach or service. Nothing in this section requires school districts to maintain a particular classroom teacher-to-student ratio or other staff-to-student ratio or to use allocated funds to pay for particular types or classifications of staff. Nothing in this section entitles an individual teacher to a particular teacher planning period.

(3)(a) To the extent the technical details of the formula have been adopted by the legislature and except when specifically provided as a school district allocation, the distribution formula for the basic education instructional allocation shall be based on minimum staffing and nonstaff costs the legislature deems necessary to support instruction and operations in prototypical schools serving high, middle, and elementary school students as provided in this section. The use of prototypical schools for the distribution formula does not constitute legislative intent that schools should be operated or structured in a similar fashion as the prototypes. Prototypical schools illustrate the level of resources needed to operate a school of a particular size with particular types and grade levels of students using commonly understood terms and inputs, such as class size, hours of instruction, and various categories of school staff. It is the intent that the funding allocations to school districts be adjusted from the school prototypes based on the actual number of annual average full-time equivalent students in each grade level at each school in the district and not based on the grade-level configuration of the school to the extent that data is available. The allocations shall be further adjusted from the school prototypes with minimum allocations for small schools and to reflect other factors identified in the omnibus appropriations act.

(b) The total aggregate statewide allocations calculated under subsections (4) through (12) of this section for full-time equivalent student enrollment in alternative learning experience programs as defined in section 2 of this act shall be reduced by fifteen percent for the 2011-12 and 2012-13 school years. The superintendent of public instruction shall determine how to implement this aggregate fifteen percent reduction among the different alternative learning experience programs. No program may receive less than a ten percent reduction and no program may receive greater than a twenty percent reduction. In determining how to implement the reductions among the alternative learning experience programs, the superintendent of public instruction must look to both how a program is currently operating as well as how it has operated in the past, to the extent that data is available, and must give consideration to the following criteria:

(i) The category of program;

(ii) The certificated instructional staffing ratio maintained by the program;

(iii) The amount and type of direct personal student-to-teacher contact used by the program on a weekly basis;

(iv) Whether the program uses any classroom-based instructional time to meet requirements in the written student learning plan for enrolled students; and

(v) For online programs, whether the program is approved by the superintendent of public instruction under RCW 28A.250.020.

(c) The superintendent of public instruction shall report to the legislature by December 31, 2011, regarding how the reductions in (b) of this subsection were implemented.

(d) For the purposes of this section, prototypical schools are defined as follows:

(i) A prototypical high school has six hundred average annual full-time equivalent students in grades nine through twelve;

(ii) A prototypical middle school has four hundred thirty-two average annual full-time equivalent students in grades seven and eight; and

(iii) A prototypical elementary school has four hundred average annual full-time equivalent students in grades kindergarten through six.

(4)(a) The minimum allocation for each level of prototypical school shall be based on the number of full-time equivalent classroom teachers needed to provide instruction over the minimum required annual instructional hours under RCW 28A.150.220 and provide at least one teacher planning period per school day, and based on the following general education average class size of full-time equivalent students per teacher:

	General education average class size	
Grades K-3 . . . . .		25.23
Grade 4 . . . . .		27.00
Grades 5-6. . . . .		27.00
Grades 7-8. . . . .		28.53
Grades 9-12. . . . .		28.74

(b) During the 2011-2013 biennium and beginning with schools with the highest percentage of students eligible for free and reduced-price meals in the prior school year, the general education average class size for grades K-3 shall be reduced until the average class size funded under this subsection (4) is no more than 17.0 full-time equivalent students per teacher beginning in the 2017-18 school year.

(c) The minimum allocation for each prototypical middle and high school shall also provide for full-time equivalent classroom teachers based on the following number of full-time equivalent students per teacher in career and technical education:

	Career and technical education average class size	
Approved career and technical education offered at the middle school and high school level. . . . .		26.57
Skill center programs meeting the standards established by the office of the superintendent of public instruction . . . . .		22.76

(d) In addition, the omnibus appropriations act shall at a minimum specify:

(i) A high-poverty average class size in schools where more than fifty percent of the students are eligible for free and reduced-price meals; and

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(ii) A specialty average class size for laboratory science, advanced placement, and international baccalaureate courses.

(5) The minimum allocation for each level of prototypical school shall include allocations for the following types of staff in addition to classroom teachers:

	Elementary School	Middle School	High School
Principals, assistant principals, and other certificated building-level administrators	1.253	1.353	1.880
Teacher librarians, a function that includes information literacy, technology, and media to support school library media programs	0.663	0.519	0.523
Health and social services:			
School nurses	0.076	0.060	0.096
Social workers	0.042	0.006	0.015
Psychologists	0.017	0.002	0.007
Guidance counselors, a function that includes parent outreach and graduation advising	0.493	1.116	1.909
Teaching assistance, including any aspect of educational instructional services provided by classified employees	0.936	0.700	0.652
Office support and other noninstructional aides	2.012	2.325	3.269
Custodians	1.657	1.942	2.965
Classified staff providing student and staff safety	0.079	0.092	0.141
Parent involvement coordinators	0.00	0.00	0.00

(6)(a) The minimum staffing allocation for each school district to provide district-wide support services shall be allocated per one thousand annual average full-time equivalent students in grades K-12 as follows:

	Staff per 1,000 K-12 students
Technology . . . . .	0.628
Facilities, maintenance, and grounds . . . . .	1.813
Warehouse, laborers, and mechanics . . . . .	0.332

(b) The minimum allocation of staff units for each school district to support certificated and classified staffing of central administration shall be 5.30 percent of the staff units generated under subsections (4)(a) and (b) and (5) of this section and (a) of this subsection.

(7) The distribution formula shall include staffing allocations to school districts for career and technical education and skill center administrative and

other school-level certificated staff, as specified in the omnibus appropriations act.

(8)(a) Except as provided in (b) of this subsection, the minimum allocation for each school district shall include allocations per annual average full-time equivalent student for the following materials, supplies, and operating costs, to be adjusted for inflation from the 2008-09 school year:

	Per annual average full-time equivalent student in grades K-12
Technology . . . . .	\$54.43
Utilities and insurance . . . . .	\$147.90
Curriculum and textbooks . . . . .	\$58.44
Other supplies and library materials . . . . .	\$124.07
Instructional professional development for certified and classified staff . . . . .	\$9.04
Facilities maintenance . . . . .	\$73.27
Security and central office . . . . .	\$50.76

(b) During the 2011-2013 biennium, the minimum allocation for maintenance, supplies, and operating costs shall be increased as specified in the omnibus appropriations act. The following allocations, adjusted for inflation from the 2007-08 school year, are provided in the 2015-16 school year, after which the allocations shall be adjusted annually for inflation as specified in the omnibus appropriations act:

	Per annual average full-time equivalent student in grades K-12
Technology . . . . .	\$113.80
Utilities and insurance . . . . .	\$309.21
Curriculum and textbooks . . . . .	\$122.17
Other supplies and library materials . . . . .	\$259.39
Instructional professional development for certificated and classified staff . . . . .	\$18.89
Facilities maintenance . . . . .	\$153.18
Security and central office administration . . . . .	\$106.12

(9) In addition to the amounts provided in subsection (8) of this section, the omnibus appropriations act shall provide an amount based on full-time equivalent student enrollment in each of the following:

- (a) Exploratory career and technical education courses for students in grades seven through twelve;
- (b) Laboratory science courses for students in grades nine through twelve;
- (c) Preparatory career and technical education courses for students in grades nine through twelve offered in a high school; and
- (d) Preparatory career and technical education courses for students in grades eleven and twelve offered through a skill center.

(10) In addition to the allocations otherwise provided under this section, amounts shall be provided to support the following programs and services:

(a) To provide supplemental instruction and services for underachieving students through the learning assistance program under RCW 28A.165.005 through 28A.165.065, allocations shall be based on the district percentage of students in grades K-12 who were eligible for free or reduced-price meals in the prior school year. The minimum allocation for the program shall provide for each level of prototypical school resources to provide, on a statewide average, 1.5156 hours per week in extra instruction with a class size of fifteen learning assistance program students per teacher.

(b) To provide supplemental instruction and services for students whose primary language is other than English, allocations shall be based on the head count number of students in each school who are eligible for and enrolled in the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080. The minimum allocation for each level of prototypical school shall provide resources to provide, on a statewide average, 4.7780 hours per week in extra instruction with fifteen transitional bilingual instruction program students per teacher.

(c) To provide additional allocations to support programs for highly capable students under RCW 28A.185.010 through 28A.185.030, allocations shall be based on two and three hundred fourteen one-thousandths percent of each school district's full-time equivalent basic education enrollment. The minimum allocation for the programs shall provide resources to provide, on a statewide average, 2.1590 hours per week in extra instruction with fifteen highly capable program students per teacher.

(11) The allocations under subsections (4)(a) and (b), (5), (6), and (8) of this section shall be enhanced as provided under RCW 28A.150.390 on an excess cost basis to provide supplemental instructional resources for students with disabilities.

(12)(a) For the purposes of allocations for prototypical high schools and middle schools under subsections (4) and (10) of this section that are based on the percent of students in the school who are eligible for free and reduced-price meals, the actual percent of such students in a school shall be adjusted by a factor identified in the omnibus appropriations act to reflect underreporting of free and reduced-price meal eligibility among middle and high school students.

(b) Allocations or enhancements provided under subsections (4), (7), and (9) of this section for exploratory and preparatory career and technical education courses shall be provided only for courses approved by the office of the superintendent of public instruction under chapter 28A.700 RCW.

(13)(a) This formula for distribution of basic education funds shall be reviewed biennially by the superintendent and governor. The recommended formula shall be subject to approval, amendment or rejection by the legislature.

(b) In the event the legislature rejects the distribution formula recommended by the governor, without adopting a new distribution formula, the distribution formula for the previous school year shall remain in effect.

(c) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the first school day of each month, including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. The definition of full-time equivalent student shall be determined by rules of the superintendent of public



instruction and shall be included as part of the superintendent's biennial budget request. The definition shall be based on the minimum instructional hour offerings required under RCW 28A.150.220. Any revision of the present definition shall not take effect until approved by the house ways and means committee and the senate ways and means committee.

(d) The office of financial management shall make a monthly review of the superintendent's reported full-time equivalent students in the common schools in conjunction with RCW 43.62.050.

**Sec. 10.** RCW 28A.150.100 and 2010 c 236 s 13 are each amended to read as follows:

(1) For the purposes of this section and RCW 28A.150.410 and 28A.400.200, "basic education certificated instructional staff" means all full-time equivalent classroom teachers, teacher librarians, guidance counselors, certificated student health services staff, and other certificated instructional staff in the following programs as defined for statewide school district accounting purposes: Basic education, secondary vocational education, general instructional support, and general supportive services.

(2) Each school district shall maintain a ratio of at least forty-six basic education certificated instructional staff to one thousand annual average full-time equivalent students. This requirement does not apply to that portion of a district's annual average full-time equivalent enrollment that is enrolled in alternative learning experience programs as defined in section 2 of this act.

**Sec. 11.** RCW 28A.250.050 and 2009 c 542 s 6 are each amended to read as follows:

(1) By August 31, 2010, all school district boards of directors shall develop policies and procedures regarding student access to online courses and online learning programs. The policies and procedures shall include but not be limited to: Student eligibility criteria; the types of online courses available to students through the school district; the methods districts will use to support student success, which may include a local advisor; when the school district will and will not pay course fees and other costs; the granting of high school credit; and a process for students and parents or guardians to formally acknowledge any course taken for which no credit is given. The policies and procedures shall take effect beginning with the 2010-11 school year. School districts shall submit their policies to the superintendent of public instruction by September 15, 2010. By December 1, 2010, the superintendent of public instruction shall summarize the school district policies regarding student access to online courses and submit a report to the legislature.

(2) School districts must award credit for online high school courses successfully completed by a student that meet the school district's graduation requirements and are provided by an approved online provider.

(3) School districts shall provide students with information regarding online courses that are available through the school district. The information shall include the types of information described in subsection (1) of this section.

~~((3))~~ (4) When developing local or regional online learning programs, school districts shall incorporate into the program design the approval criteria developed by the superintendent of public instruction under RCW 28A.250.020.

NEW SECTION. Sec. 12. Sections 9 and 10 of this act take effect September 1, 2011.

NEW SECTION. Sec. 13. Section 9 of this act expires July 1, 2013.

Passed by the House May 25, 2011.

Passed by the Senate May 25, 2011.

Approved by the Governor June 15, 2011.

Filed in Office of Secretary of State June 15, 2011.

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**CHAPTER 35**

[Engrossed House Bill 2069]

**HOSPITAL SAFETY NET ASSESSMENT FUND**

AN ACT Relating to increasing the sum available to the state from the hospital safety net assessment fund by reducing hospital payments; amending RCW 74.60.020 and 74.60.090; providing an effective date; providing an expiration date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

**Sec. 1.** RCW 74.60.020 and 2010 1st sp.s. c 30 s 3 are each amended to read as follows:

(1) A dedicated fund is hereby established within the state treasury to be known as the hospital safety net assessment fund. The purpose and use of the fund shall be to receive and disburse funds, together with accrued interest, in accordance with this chapter. Moneys in the fund, including interest earned, shall not be used or disbursed for any purposes other than those specified in this chapter. Any amounts expended from the fund that are later recouped by the department on audit or otherwise shall be returned to the fund.

(a) Any unexpended balance in the fund at the end of a fiscal biennium shall carry over into the following biennium and shall be applied to reduce the amount of the assessment under RCW 74.60.050(1)(c).

(b) Any amounts remaining in the fund on July 1, 2013, shall be used to make increased payments in accordance with RCW 74.60.090 and 74.60.120 for any outstanding claims with dates of service prior to July 1, 2013. Any amounts remaining in the fund after such increased payments are made shall be refunded to hospitals, pro rata according to the amount paid by the hospital, subject to the limitations of federal law.

(2) All assessments, interest, and penalties collected by the department under RCW 74.60.030 and 74.60.050 shall be deposited into the fund.

(3) Disbursements from the fund may be made only as follows:

(a) Subject to appropriations and the continued availability of other funds in an amount sufficient to maintain the level of medicaid hospital rates in effect on July 1, 2009;

(b) Upon certification by the secretary that the conditions set forth in RCW 74.60.150(1) have been met with respect to the assessments imposed under RCW 74.60.030 (1) and (2), the payments provided under RCW 74.60.080, payments provided under RCW 74.60.120(2), and any initial payments under RCW 74.60.100 and 74.60.110, funds shall be disbursed in the amount necessary to make the payments specified in those sections;

(c) Upon certification by the secretary that the conditions set forth in RCW 74.60.150(1) have been met with respect to the assessments imposed under

RCW 74.60.030(3) and the payments provided under RCW 74.60.090 and 74.60.130, payments made subsequent to the initial payments under RCW 74.60.100 and 74.60.110, and payments under RCW 74.60.120(3), funds shall be disbursed periodically as necessary to make the payments as specified in those sections;

(d) To refund erroneous or excessive payments made by hospitals pursuant to this chapter;

(e) The sum of forty-nine million three hundred thousand dollars (~~per~~) for the 2009-2011 fiscal biennium may be expended in lieu of state general fund payments to hospitals. An additional sum of seventeen million five hundred thousand dollars for the 2009-2011 fiscal biennium may be expended in lieu of state general fund payments to hospitals if additional federal financial participation under section 5001 of P.L. No. 111-5 is extended beyond December 31, 2010. The sum of one hundred ninety-nine million eight hundred thousand dollars for the 2011-2013 fiscal biennium may be expended in lieu of state general fund payments to hospitals;

(f) The sum of one million dollars per biennium may be disbursed for payment of administrative expenses incurred by the department in performing the activities authorized by this chapter;

(g) To repay the federal government for any excess payments made to hospitals from the fund if the assessments or payment increases set forth in this chapter are deemed out of compliance with federal statutes and regulations and all appeals have been exhausted. In such a case, the department may require hospitals receiving excess payments to refund the payments in question to the fund. The state in turn shall return funds to the federal government in the same proportion as the original financing. If a hospital is unable to refund payments, the state shall develop a payment plan and/or deduct moneys from future medicaid payments.

**Sec. 2.** RCW 74.60.090 and 2010 1st sp.s. c 30 s 10 are each amended to read as follows:

(1) Upon satisfaction of the applicable conditions set forth in RCW 74.60.150(1) and for services rendered on or after February 1, 2010, through June 30, 2011, the department shall increase the medicaid inpatient and outpatient fee-for-service hospital reimbursement rates in effect on June 30, 2009, by the percentages specified below:

(a) Prospective payment system hospitals:

(i) Inpatient psychiatric services: Thirteen percent;

(ii) Inpatient services: Thirteen percent;

(iii) Outpatient services: Thirty-six and eighty-three one-hundredths percent.

(b) Harborview medical center and University of Washington medical center:

(i) Inpatient psychiatric services: Three percent;

(ii) Inpatient services: Three percent;

(iii) Outpatient services: Twenty-one percent.

(c) Rehabilitation hospitals:

(i) Inpatient services: Thirteen percent;

(ii) Outpatient services: Thirty-six and eighty-three one-hundredths percent.

(d) Psychiatric hospitals:

(i) Inpatient psychiatric services: Thirteen percent;

(ii) Inpatient services: Thirteen percent.

(2) Upon satisfaction of the applicable conditions set forth in RCW 74.60.150(1) and for services rendered on or after July 1, 2011, the department shall increase the medicaid inpatient and outpatient fee-for-service hospital reimbursement rates in effect on June 30, 2009, by the percentages specified below:

(a) Prospective payment system hospitals:

(i) Inpatient psychiatric services: Thirteen percent;

(ii) Inpatient services: Three and ninety-six one-hundredths percent;

(iii) Outpatient services: Twenty-seven and twenty-five one-hundredths percent.

(b) Harborview medical center and University of Washington medical center:

(i) Inpatient psychiatric services: Three percent;

(ii) Inpatient services: Three percent;

(iii) Outpatient services: Twenty-one percent.

(c) Rehabilitation hospitals:

(i) Inpatient services: Thirteen percent;

(ii) Outpatient services: Thirty-six and eighty-three one-hundredths percent.

(d) Psychiatric hospitals:

(i) Inpatient psychiatric services: Thirteen percent;

(ii) Inpatient services: Thirteen percent.

(3) For claims processed for services rendered on or after February 1, 2010, but prior to satisfaction of the applicable conditions specified in RCW 74.60.150(1), the department shall, within sixty calendar days after satisfaction of those conditions, calculate the amount payable to hospitals in accordance with this section and remit the difference to each hospital that has submitted an otherwise allowable claim for payment for such services.

~~((3))~~ (4) By December 1, 2012, the department will submit a study to the legislature with recommendations on the amount of the assessments necessary to continue to support hospital payments for the 2013-2015 biennium. The evaluation will assess medicaid hospital payments relative to medicaid hospital costs. The study should address current federal law, including any changes on scope of medicaid coverage, provisions related to provider taxes, and impacts of federal health care reform legislation. The study should also address the state's economic forecast. Based on the forecast, the department should recommend the amount of assessment needed to support future hospital payments and the departmental administrative expenses. Recommendations should be developed with the fiscal committees of the legislature, office of financial management, and the Washington state hospital association.

NEW SECTION. Sec. 3. Sections 1 and 2 of this act expire July 1, 2013.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2011.

Passed by the House May 9, 2011.  
Passed by the Senate May 25, 2011.  
Approved by the Governor June 15, 2011.  
Filed in Office of Secretary of State June 15, 2011.

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## CHAPTER 36

[Engrossed Substitute House Bill 2082]

### ASSISTANCE PROGRAMS AND SERVICES

AN ACT Relating to reforming the disability lifeline program through essential needs and housing support for persons not likely to meet federal supplemental security income disability standards, continued aid and support for other disability lifeline recipients, and modification of the disability lifeline medical care services needed to receive federal funding; amending RCW 74.09.035, 74.04.005, 74.09.510, 74.50.055, 70.96A.530, 10.101.010, 26.19.071, 31.04.540, 70.123.110, 73.08.005, 74.04.0052, 74.04.225, 74.04.230, 74.04.266, 74.04.620, 74.04.652, 74.04.655, 74.04.657, 74.04.770, 74.08.043, 74.08.278, 74.08.335, 74.08A.210, 74.08A.440, 74.09.555, and 74.50.060; reenacting and amending RCW 13.34.030; adding new sections to chapter 43.185C RCW; adding a new chapter to Title 74 RCW; creating a new section; repealing RCW 43.330.175, 74.04.120, and 74.04.810; providing effective dates; providing an expiration date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION. Sec. 1. Intent.** (1) The legislature finds that:

(a) Persons who have a long-term disability and apply for federal supplemental security income benefits should receive assistance while their application for federal benefits is pending, with repayment from the federal government of state-funded income assistance paid through the aged, blind, or disabled assistance program;

(b) Persons who are incapacitated from gainful employment for an extended period, but who may not meet the level of severity of a long-term disability, are at increased risk of homelessness; and

(c) Persons who are homeless and suffering from significant medical impairments, mental illness, or chemical dependency face substantial barriers to successful participation in, and completion of, needed medical or behavioral health treatment services. Stable housing increases the likelihood of compliance with and completion of treatment.

(2) Through this act, the legislature intends to:

(a) Terminate all components of the disability lifeline program created in 2010 and codified in RCW 74.04.005 and create new programs: (i) To provide financial grants through the aged, blind, and disabled assistance program and the pregnant women assistance program; and (ii) to provide services through the essential needs and housing support program; and

(b) Increase opportunities to utilize limited public funding, combined with private charitable and volunteer efforts to serve persons who are recipients of the benefits provided by the new programs created under this act.

**NEW SECTION. Sec. 2.** Effective October 31, 2011, the disability lifeline program, as defined under chapter 74.04 RCW, is terminated and all benefits provided under that program shall expire and cease to exist.

**NEW SECTION. Sec. 3.** (1)(a) Effective November 1, 2011, the aged, blind, or disabled assistance program shall provide financial grants to persons in need who:

(i) Are not eligible to receive federal aid assistance, other than basic food benefits transferred electronically and medical assistance;

(ii) Meet the eligibility requirements of subsection (3) of this section; and

(iii) Are aged, blind, or disabled. For purposes of determining eligibility for assistance for the aged, blind, or disabled assistance program, the following definitions apply:

(A) "Aged" means age sixty-five or older.

(B) "Blind" means statutorily blind as defined for the purpose of determining eligibility for the federal supplemental security income program.

(C) "Disabled" means likely to meet the federal supplemental security income disability standard. In making this determination, the department should give full consideration to the cumulative impact of an applicant's multiple impairments, an applicant's age, and vocational and educational history.

In determining whether a person is disabled, the department may rely on the following:

(I) A previous disability determination by the social security administration or the disability determination service entity within the department; or

(II) A determination that an individual is eligible to receive optional categorically needy medicaid as a disabled person under the federal regulations at 42 C.F.R. Parts 435, Secs. 201(a)(3) and 210.

(b) The following persons are not eligible for the aged, blind, or disabled assistance program:

(i) Persons who are not able to engage in gainful employment due primarily to alcohol or drug addiction. These persons shall be referred to appropriate assessment, treatment, shelter, or supplemental security income referral services as authorized under chapter 74.50 RCW. Referrals shall be made at the time of application or at the time of eligibility review. This subsection may not be construed to prohibit the department from granting aged, blind, or disabled assistance benefits to alcoholics and drug addicts who are incapacitated due to other physical or mental conditions that meet the eligibility criteria for the aged, blind, or disabled assistance program; or

(ii) Persons for whom there has been a final determination of ineligibility for federal supplemental security income benefits.

(c) Persons may receive aged, blind, or disabled assistance benefits pending application for federal supplemental security income benefits. The monetary value of any aged, blind, or disabled assistance benefit that is subsequently duplicated by the person's receipt of supplemental security income for the same period shall be considered a debt due the state and shall by operation of law be subject to recovery through all available legal remedies.

(2) Effective November 1, 2011, the pregnant women assistance program shall provide financial grants to persons who:

(a) Are not eligible to receive federal aid assistance other than basic food benefits or medical assistance; and

(b) Are pregnant and in need, based upon the current income and resource standards of the federal temporary assistance for needy families program, but are ineligible for federal temporary assistance for needy families benefits for a reason other than failure to cooperate in program requirements; and

(c) Meet the eligibility requirements of subsection (3) of this section.

(3) To be eligible for the aged, blind, or disabled assistance program under subsection (1) of this section or the pregnant women assistance program under subsection (2) of this section, a person must:

(a) Be a citizen or alien lawfully admitted for permanent residence or otherwise residing in the United States under color of law;

(b) Have furnished the department his or her social security number. If the social security number cannot be furnished because it has not been issued or is not known, an application for a number shall be made prior to authorization of benefits, and the social security number shall be provided to the department upon receipt;

(c) Have not refused or failed without good cause to participate in drug or alcohol treatment if an assessment by a certified chemical dependency counselor indicates a need for such treatment. Good cause must be found to exist when a person's physical or mental condition, as determined by the department, prevents the person from participating in drug or alcohol dependency treatment, when needed outpatient drug or alcohol treatment is not available to the person in the county of his or her residence or when needed inpatient treatment is not available in a location that is reasonably accessible for the person; and

(d) Not have refused or failed to cooperate in obtaining federal aid assistance, without good cause.

(4) Effective November 1, 2011, referrals for essential needs and housing support under section 4 of this act shall be provided to persons found eligible for medical care services under RCW 74.09.035 who are not recipients of alcohol and addiction services provided under chapter 74.50 RCW or are not recipients of aged, blind, or disabled assistance.

(5) No person may be considered an eligible individual for benefits under this section with respect to any month if during that month the person:

(a) Is fleeing to avoid prosecution of, or to avoid custody or confinement for conviction of, a felony, or an attempt to commit a felony, under the laws of the state of Washington or the place from which the person flees; or

(b) Is violating a condition of probation, community supervision, or parole imposed under federal or state law for a felony or gross misdemeanor conviction.

(6) The department must review the cases of all persons, except recipients of alcohol and addiction treatment under chapter 74.50 RCW, or recipients of aged, blind, or disabled assistance, who have received medical care services for twelve consecutive months, and at least annually after the first review, to determine whether they are eligible for the aged, blind, or disabled assistance program.

**NEW SECTION. Sec. 4.** A new section is added to chapter 43.185C RCW to read as follows:

**Grants to local governments and community-based organizations for essential needs and housing support.** (1) The department shall distribute funds for the essential needs and housing support program established under this section in a manner consistent with the requirements of this section and the biennial operating budget. The first distribution of funds must be completed by September 1, 2011. Essential needs or housing support is only for persons found eligible for such services under section 3(4) of this act and is not considered an entitlement.

(2) The department shall distribute funds appropriated for the essential needs and housing support program in the form of grants to designated essential needs support and housing support entities within each county. The department shall not distribute any funds until it approves the expenditure plan submitted by the designated essential needs support and housing support entities. The amount of funds to be distributed pursuant to this section shall be designated in the biennial operating budget. For the sole purpose of meeting the initial distribution of funds date, the department may distribute partial funds upon the department's approval of a preliminary expenditure plan. The department shall not distribute the remaining funds until it has approved a final expenditure plan.

(3)(a) During the 2011-2013 biennium, in awarding housing support that is not funded through the contingency fund in this subsection, the designated housing support entity shall provide housing support to clients who are homeless persons as defined in RCW 43.185C.010. As provided in the biennial operating budget for the 2011-2013 biennium, a contingency fund shall be used solely for those clients who are at substantial risk of losing stable housing or at substantial risk of losing one of the other services defined in section 7(6) of this act. For purposes of this chapter, "substantial risk" means the client has provided documentation that he or she will lose his or her housing within the next thirty days or that the services will be discontinued within the next thirty days.

(b) After July 1, 2013, the designated housing support entity shall give first priority to clients who are homeless persons as defined in RCW 43.185C.010 and second priority to clients who would be at substantial risk of losing stable housing without housing support.

(4) For each county, the department shall designate an essential needs support entity and a housing support entity that will begin providing these supports to medical care services program recipients on November 1, 2011. Essential needs and housing support entities are not required to provide assistance to every medical care services recipient that is referred to the local entity or who meets the priority standards in subsection (3) of this section.

(a) Each designated entity must be a local government or community-based organization, and may administer the funding for essential needs support, housing support, or both. Designated entities have the authority to subcontract with qualified entities. Upon request, and the approval of the department, two or more counties may combine resources to more effectively deliver services.

(b) The department's designation process must include a review of proficiency in managing housing or human services programs when designating housing support entities.

(c) Within a county, if the department directly awards separate grants to the designated housing support entity and the designated essential needs support entity, the department shall determine the amount allocated for essential needs support as directed in the biennial operating budget.

(5)(a) Essential needs and housing support entities must use funds distributed under this section as flexibly as is practicable to provide essential needs items and housing support to recipients of the essential needs and housing support program, subject to the requirements of this section.

(b) Benefits provided under the essential needs and housing support program shall not be provided to recipients in the form of cash assistance.



(c) The appropriations by the legislature for the purposes of the essential needs and housing support program established under this section shall be based on forecasted program caseloads. The caseload forecast council shall provide a courtesy forecast of the medical care services recipient population that is homeless or is included in reporting under subsection (7)(c)(iii) of this section. The department may move funds between entities or between counties to reflect actual caseload changes. In doing so, the department must: (i) Develop a process for reviewing the caseload of designated essential needs and housing support entities, and for redistributing grant funds from those entities experiencing reduced actual caseloads to those with increased actual caseloads; and (ii) inform all designated entities of the redistribution process. Savings resulting from program caseload attrition from the essential needs and housing support program shall not result in increased per-client expenditures.

(d) Essential needs and housing support entities must partner with other public and private organizations to maximize the beneficial impact of funds distributed under this section, and should attempt to leverage other sources of public and private funds to serve essential needs and housing support recipients. Funds appropriated in the operating budget for essential needs and housing support must be used only to serve persons eligible to receive services under that program.

(6) The department shall use no more than five percent of the funds for administration of the essential needs and housing support program. Each essential needs and housing support entity shall use no more than seven percent of the funds for administrative expenses.

(7) The department shall:

(a) Require housing support entities to enter data into the homeless client management information system;

(b) Require essential needs support entities to report on services provided under this section;

(c) In collaboration with the department of social and health services, submit a report annually to the relevant policy and fiscal committees of the legislature. A preliminary report shall be submitted by December 31, 2011, and must include (c)(i), (iii), and (v) of this subsection. Annual reports must be submitted beginning December 1, 2012, and must include:

(i) A description of the actions the department has taken to achieve the objectives of this act;

(ii) The amount of funds used by the department to administer the program;

(iii) Information on the housing status of essential needs and housing support recipients served by housing support entities, and individuals who have requested housing support but did not receive housing support;

(iv) Grantee expenditure data related to administration and services provided under this section; and

(v) Efforts made to partner with other entities and leverage sources of public and private funds;

(d) Review the data submitted by the designated entities, and make recommendations for program improvements and administrative efficiencies. The department has the authority to designate alternative entities as necessary due to performance or other significant issues. Such change must only be made

after consultation with the department of social and health services and the impacted entity.

(8) The department, counties, and essential needs and housing support entities are not civilly or criminally liable and may not have any penalty or cause of action of any nature arise against them related to decisions regarding: (a) The provision or lack of provision of housing or essential needs support; or (b) the type of housing arrangement supported with funds allocated under this section, when the decision was made in good faith and in the performance of the powers and duties under this section. However, this section does not prohibit legal actions against the department, county, or essential needs or housing support entity to enforce contractual duties or obligations.

**NEW SECTION. Sec. 5.** A new section is added to chapter 43.185C RCW to read as follows:

The department, in collaboration with the department of social and health services, shall develop a mechanism through which the department and local governments or community-based organizations can verify a person has been determined eligible and remains eligible for medical care services under RCW 74.09.035 by the department of social and health services.

**Sec. 6.** RCW 74.09.035 and 2011 c 284 s 3 are each amended to read as follows:

(1) ~~To the extent of available funds, medical care services may be provided to ((recipients of disability lifeline benefits, persons denied disability lifeline benefits under RCW 74.04.005(5)(b) or 74.04.655 who otherwise meet the requirements of RCW 74.04.005(5)(a), and recipients of alcohol and drug addiction services provided under chapter 74.50 RCW, in accordance with medical eligibility requirements established by the department));~~

(a) Persons who:

(i) Are incapacitated from gainful employment by reason of bodily or mental infirmity that will likely continue for a minimum of ninety days as determined by the department. The standard for incapacity in this subsection, as evidenced by the ninety-day duration standard, is not intended to be as stringent as federal supplemental security income disability standards;

(ii) Are citizens or aliens lawfully admitted for permanent residence or otherwise residing in the United States under color of law;

(iii) Have furnished the department their social security number. If the social security number cannot be furnished because it has not been issued or is not known, an application for a number shall be made prior to authorization of benefits, and the social security number shall be provided to the department upon receipt;

(iv) Have countable income as described in RCW 74.04.005 at or below four hundred twenty-eight dollars for a married couple or at or below three hundred thirty-nine dollars for a single individual; and

(v) Do not have countable resources in excess of those described in RCW 74.04.005.

(b) Persons eligible for the aged, blind, or disabled assistance program authorized in section 3 of this act and who are not eligible for medicaid under RCW 74.09.510.

(c) Persons eligible for alcohol and drug addiction services provided under chapter 74.50 RCW, in accordance with medical eligibility requirements established by the department.

(d) The following persons are not eligible for medical care services:

(i) Persons who are unemployable due primarily to alcohol or drug addiction, except as provided in (c) of this subsection. These persons shall be referred to appropriate assessment, treatment, shelter, or supplemental security income referral services as authorized under chapter 74.50 RCW. Referrals shall be made at the time of application or at the time of eligibility review. This subsection shall not be construed to prohibit the department from granting medical care services benefits to alcoholics and drug addicts who are incapacitated due to other physical or mental conditions that meet the eligibility criteria for medical care services;

(ii) Persons who refuse or fail to cooperate in obtaining federal aid assistance, without good cause;

(iii) Persons who refuse or fail without good cause to participate in drug or alcohol treatment if an assessment by a certified chemical dependency counselor indicates a need for such treatment. Good cause must be found to exist when a person's physical or mental condition, as determined by the department, prevents the person from participating in drug or alcohol dependency treatment, when needed outpatient drug or alcohol treatment is not available to the person in the county of his or her residence or when needed inpatient treatment is not available in a location that is reasonably accessible for the person; and

(iv) Persons who are fleeing to avoid prosecution of, or to avoid custody or confinement for conviction of, a felony, or an attempt to commit a felony, under the laws of the state of Washington or the place from which the person flees; or who are violating a condition of probation, community supervision, or parole imposed under federal or state law for a felony or gross misdemeanor conviction.

(e) For purposes of determining whether a person is incapacitated from gainful employment under (a) of this subsection:

(i) The department shall adopt by rule medical criteria for incapacity determinations to ensure that eligibility decisions are consistent with statutory requirements and are based on clear, objective medical information; and

(ii) The process implementing the medical criteria shall involve consideration of opinions of the treating or consulting physicians or health care professionals regarding incapacity, and any eligibility decision which rejects uncontroverted medical opinion must set forth clear and convincing reasons for doing so.

(f) For purposes of reviewing a person's continuing eligibility and in order to remain eligible for the program, persons who have been found to have an incapacity from gainful employment must demonstrate that there has been no material improvement in their medical or mental health condition. The department may discontinue benefits when there was specific error in the prior determination that found the person eligible by reason of incapacitation.

(2) Enrollment in medical care services may not result in expenditures that exceed the amount that has been appropriated in the operating budget. If it appears that continued enrollment will result in expenditures exceeding the appropriated level for a particular fiscal year, the department may freeze new

enrollment and establish a waiting list of ~~((eligible))~~ persons who may receive benefits only when sufficient funds are available. ~~((Upon implementation of a federal medicaid 1115 waiver providing federal matching funds for medical care services, persons subject to termination of disability lifeline benefits under RCW 74.04.005(5)(h) remain enrolled in medical care services and persons subject to denial of disability lifeline benefits under RCW 74.04.005(5)(h) remain eligible for medical care services.~~

~~((2))~~ (3) Determination of the amount, scope, and duration of medical care services shall be limited to coverage as defined by the department, except that adult dental, and routine foot care shall not be included unless there is a specific appropriation for these services.

~~((3))~~ (4) The department shall enter into performance-based contracts with one or more managed health care systems for the provision of medical care services ~~((to recipients of disability lifeline benefits))~~ under this section. The contract must provide for integrated delivery of medical and mental health services.

~~((4))~~ (5) The department shall establish standards of assistance and resource and income exemptions, which may include deductibles and co-insurance provisions. In addition, the department may include a prohibition against the voluntary assignment of property or cash for the purpose of qualifying for assistance.

~~((5))~~ (6) Residents of skilled nursing homes, intermediate care facilities, and intermediate care facilities for persons with intellectual disabilities, as that term is described by federal law, who are eligible for medical care services shall be provided medical services to the same extent as provided to those persons eligible under the medical assistance program.

~~((6) Eligibility for medical care services shall commence with the date of certification for disability lifeline benefits or the date of eligibility for alcohol and drug addiction services provided under chapter 74.50 RCW.)~~

(7) Eligibility for medical care services shall commence with the date of certification for medical care services, date of eligibility for the aged, blind, or disabled assistance program provided under section 3 of this act, or the date or eligibility for alcohol and drug addiction services provided under chapter 74.50 RCW.

**NEW SECTION. Sec. 7.** For the purposes of this chapter, unless the context indicates otherwise, the following definitions shall apply:

(1) "Aged, blind, and disabled assistance program" means the program established under section 3 of this act.

(2) "Department" means the department of social and health services.

(3) "Director" or "secretary" means the secretary of social and health services.

(4) "Essential needs and housing support program" means the program established under section 4 of this act.

(5) "Essential needs support" means personal health and hygiene items, cleaning supplies, other necessary items and transportation passes or tokens provided through an essential needs support entity established under section 4 of this act.

(6) "Housing support" means assistance provided by a designated housing support entity established under section 4 of this act to maintain existing housing

when the client is at substantial risk of becoming homeless, to obtain housing, or to obtain heat, electricity, natural gas, sewer, garbage, and water services when the client is at substantial risk of losing these services.

(7) "Pregnant women assistance program" means the program established under section 3 of this act.

(8) In the construction of words and phrases used in this chapter, the singular number shall include the plural, the masculine gender shall include both the feminine and neuter genders, and the present tense shall include the past and future tenses, unless the context thereof shall clearly indicate to the contrary.

**Sec. 8.** RCW 74.04.005 and 2010 1st sp.s. c 8 s 4 are each amended to read as follows:

For the purposes of this title, unless the context indicates otherwise, the following definitions shall apply:

(1) "Public assistance" or "assistance" ~~((—))~~ means public aid to persons in need thereof for any cause, including services, medical care, assistance grants, disbursing orders, work relief, ~~((disability lifeline))~~ benefits under sections 3 and 4 of this act, and federal aid assistance.

(2) "Department" ~~((—))~~ means the department of social and health services.

(3) "County or local office" ~~((—))~~ means the administrative office for one or more counties or designated service areas.

(4) "Director" or "secretary" means the secretary of social and health services.

(5) ~~((Disability lifeline))~~ Essential needs and housing support program means ~~((a program that provides aid and support in accordance with the conditions set out in this subsection.~~

~~(a) Aid and assistance shall be provided to persons who are not eligible to receive federal aid assistance, other than basic food benefits transferred electronically and medical assistance and meet one of the following conditions:~~

~~(i) Are pregnant and in need, based upon the current income and resource requirements of the federal temporary assistance for needy families program; or~~

~~(ii) Are incapacitated from gainful employment by reason of bodily or mental infirmity that will likely continue for a minimum of ninety days as determined by the department. The standard for incapacity in this subsection, as evidenced by the ninety-day duration standard, is not intended to be as stringent as federal supplemental security income disability standards; and~~

~~(A) Are citizens or aliens lawfully admitted for permanent residence or otherwise residing in the United States under color of law;~~

~~(B) Have furnished the department their social security number. If the social security number cannot be furnished because it has not been issued or is not known, an application for a number shall be made prior to authorization of benefits, and the social security number shall be provided to the department upon receipt;~~

~~(C) Have not refused or failed without good cause to participate in drug or alcohol treatment if an assessment by a certified chemical dependency counselor indicates a need for such treatment. Good cause must be found to exist when a person's physical or mental condition, as determined by the department, prevents the person from participating in drug or alcohol dependency treatment, when needed outpatient drug or alcohol treatment is not available to the person in the~~

~~county of his or her residence or when needed inpatient treatment is not available in a location that is reasonably accessible for the person; and~~

~~(D) Have not refused or failed without good cause to participate in vocational rehabilitation services, if an assessment conducted under RCW 74.04.655 indicates that the person might benefit from such services. Good cause must be found to exist when a person's physical or mental condition, as determined by the department, prevents the person from participating in vocational rehabilitation services, or when vocational rehabilitation services are not available to the person in the county of his or her residence.~~

~~(b)(i) Persons who initially apply and are found eligible for disability lifeline benefits based upon incapacity from gainful employment under (a) of this subsection on or after September 2, 2010, who are homeless and have been assessed as needing chemical dependency or mental health treatment or both, must agree, as a condition of eligibility for the disability lifeline program, to accept a housing voucher in lieu of a cash grant if a voucher is available. The department shall establish the dollar value of the housing voucher. The dollar value of the housing voucher may differ from the value of the cash grant. Persons receiving a housing voucher under this subsection also shall receive a cash stipend of fifty dollars per month.~~

~~(ii) If the department of commerce has determined under RCW 43.330.175 that sufficient housing is not available, persons described in this subsection who apply for disability lifeline benefits during the time period that housing is not available shall receive a cash grant in lieu of a cash stipend and housing voucher.~~

~~(iii) Persons who refuse to accept a housing voucher under this subsection but otherwise meet the eligibility requirements of (a) of this subsection are eligible for medical care services benefits under RCW 74.09.035, subject to the time limits in (h) of this subsection.~~

~~(e) The following persons are not eligible for the disability lifeline program:~~

~~(i) Persons who are unemployable due primarily to alcohol or drug addiction. These persons shall be referred to appropriate assessment, treatment, shelter, or supplemental security income referral services as authorized under chapter 74.50 RCW. Referrals shall be made at the time of application or at the time of eligibility review. This subsection shall not be construed to prohibit the department from granting disability lifeline benefits to alcoholics and drug addicts who are incapacitated due to other physical or mental conditions that meet the eligibility criteria for the disability lifeline program;~~

~~(ii) Persons who refuse or fail to cooperate in obtaining federal aid assistance, without good cause.~~

~~(d) Disability lifeline benefits shall be provided only to persons who are not members of assistance units receiving federal aid assistance, except as provided in (a) of this subsection, and who will accept available services that can reasonably be expected to enable the person to work or reduce the need for assistance unless there is good cause to refuse. Failure to accept such services shall result in termination until the person agrees to cooperate in accepting such services and subject to the following maximum periods of ineligibility after reapplication:~~

~~(i) First failure: One week;~~

~~(ii) Second failure within six months: One month;~~

~~(iii) Third and subsequent failure within one year: Two months.~~

~~(e) Persons who are likely eligible for federal supplemental security income benefits shall be moved into the disability lifeline expedited component of the disability lifeline program. Persons placed in the expedited component of the program may, if otherwise eligible, receive disability lifeline benefits pending application for federal supplemental security income benefits. The monetary value of any disability lifeline benefit that is subsequently duplicated by the person's receipt of supplemental security income for the same period shall be considered a debt due the state and shall by operation of law be subject to recovery through all available legal remedies.~~

~~(f) For purposes of determining whether a person is incapacitated from gainful employment under (a) of this subsection:~~

~~(i) The department shall adopt by rule medical criteria for disability lifeline incapacity determinations to ensure that eligibility decisions are consistent with statutory requirements and are based on clear, objective medical information; and~~

~~(ii) The process implementing the medical criteria shall involve consideration of opinions of the treating or consulting physicians or health care professionals regarding incapacity, and any eligibility decision which rejects uncontroverted medical opinion must set forth clear and convincing reasons for doing so.~~

~~(g) Persons receiving disability lifeline benefits based upon a finding of incapacity from gainful employment who remain otherwise eligible shall have their benefits discontinued unless the recipient demonstrates no material improvement in their medical or mental health condition. The department may discontinue benefits when there was specific error in the prior determination that found the person eligible by reason of incapacitation.~~

~~(h)(i) Beginning September 1, 2010, no person who is currently receiving or becomes eligible for disability lifeline program benefits shall be eligible to receive benefits under the program for more than twenty four months in a sixty-month period. For purposes of this subsection, months of receipt of general assistance unemployable benefits count toward the twenty four month limit. Months during which a person received benefits under the expedited component of the disability lifeline or general assistance program or under the aged, blind, or disabled component of the disability lifeline or general assistance program shall not be included when determining whether a person has been receiving benefits for more than twenty four months. On or before July 1, 2010, the department must review the cases of all persons who have received disability lifeline benefits or general assistance unemployable benefits for at least twenty months as of that date. On or before September 1, 2010, the department must review the cases of all remaining persons who have received disability lifeline benefits for at least twelve months as of that date. The review should determine whether the person meets the federal supplemental security income disability standard and, if the person does not meet that standard, whether the receipt of additional services could lead to employability. If a need for additional services is identified, the department shall provide case management services, such as assistance with arranging transportation or locating stable housing, that will facilitate the person's access to needed services. A person may not be determined ineligible due to exceeding the time limit unless he or she has~~

~~received a case review under this subsection finding that the person does not meet the federal supplemental security income disability standard:~~

~~(ii) The time limits established under this subsection expire June 30, 2013.~~

~~(i) No person may be considered an eligible individual for disability lifeline benefits with respect to any month if during that month the person:~~

~~(i) Is fleeing to avoid prosecution of, or to avoid custody or confinement for conviction of, a felony, or an attempt to commit a felony, under the laws of the state of Washington or the place from which the person flees; or~~

~~(ii) Is violating a condition of probation, community supervision, or parole imposed under federal or state law for a felony or gross misdemeanor conviction) the program established in section 4 of this act.~~

~~(6) ("Disability lifeline expedited" means a component of the disability lifeline program under which persons receiving disability lifeline benefits have been determined, after examination by an appropriate health care provider, to be likely to be eligible for federal supplemental security income benefits based on medical and behavioral health evidence that meets the disability standards used for the federal supplemental security income program.~~

~~(7)) "Aged, blind, or disabled assistance program" means the program established under section 3 of this act.~~

~~(7) "Federal aid assistance"((—)) means the specific categories of assistance for which provision is made in any federal law existing or hereafter passed by which payments are made from the federal government to the state in aid or in respect to payment by the state for public assistance rendered to any category of needy persons for which provision for federal funds or aid may from time to time be made, or a federally administered needs-based program.~~

~~(8) "Applicant"((—)) means any person who has made a request, or on behalf of whom a request has been made, to any county or local office for assistance.~~

~~(9) "Recipient"((—)) means any person receiving assistance and in addition those dependents whose needs are included in the recipient's assistance.~~

~~(10) "Standards of assistance"((—)) means the level of income required by an applicant or recipient to maintain a level of living specified by the department.~~

~~(11) "Resource"((—)) means any asset, tangible or intangible, owned by or available to the applicant at the time of application, which can be applied toward meeting the applicant's need, either directly or by conversion into money or its equivalent. The department may by rule designate resources that an applicant may retain and not be ineligible for public assistance because of such resources. Exempt resources shall include, but are not limited to:~~

~~(a) A home that an applicant, recipient, or their dependents is living in, including the surrounding property;~~

~~(b) Household furnishings and personal effects;~~

~~(c) A motor vehicle, other than a motor home, used and useful having an equity value not to exceed five thousand dollars;~~

~~(d) A motor vehicle necessary to transport a household member with a physical disability. This exclusion is limited to one vehicle per person with a physical disability;~~

~~(e) All other resources, including any excess of values exempted, not to exceed one thousand dollars or other limit as set by the department, to be~~



consistent with limitations on resources and exemptions necessary for federal aid assistance. The department shall also allow recipients of temporary assistance for needy families to exempt savings accounts with combined balances of up to an additional three thousand dollars;

(f) Applicants for or recipients of ~~((disability-lifeline))~~ benefits under sections 3 and 4 of this act shall have their eligibility based on resource limitations consistent with the temporary assistance for needy families program rules adopted by the department; and

(g) If an applicant for or recipient of public assistance possesses property and belongings in excess of the ceiling value, such value shall be used in determining the need of the applicant or recipient, except that: (i) The department may exempt resources or income when the income and resources are determined necessary to the applicant's or recipient's restoration to independence, to decrease the need for public assistance, or to aid in rehabilitating the applicant or recipient or a dependent of the applicant or recipient; and (ii) the department may provide grant assistance for a period not to exceed nine months from the date the agreement is signed pursuant to this section to persons who are otherwise ineligible because of excess real property owned by such persons when they are making a good faith effort to dispose of that property ~~((PROVIDED, That))~~ if:

(A) The applicant or recipient signs an agreement to repay the lesser of the amount of aid received or the net proceeds of such sale;

(B) If the owner of the excess property ceases to make good faith efforts to sell the property, the entire amount of assistance may become an overpayment and a debt due the state and may be recovered pursuant to RCW 43.20B.630;

(C) Applicants and recipients are advised of their right to a fair hearing and afforded the opportunity to challenge a decision that good faith efforts to sell have ceased, prior to assessment of an overpayment under this section; and

(D) At the time assistance is authorized, the department files a lien without a sum certain on the specific property.

(12) "Income" ~~((—))~~ means:

(a) All appreciable gains in real or personal property (cash or kind) or other assets, which are received by or become available for use and enjoyment by an applicant or recipient during the month of application or after applying for or receiving public assistance. The department may by rule and regulation exempt income received by an applicant for or recipient of public assistance which can be used by him or her to decrease his or her need for public assistance or to aid in rehabilitating him or her or his or her dependents, but such exemption shall not, unless otherwise provided in this title, exceed the exemptions of resources granted under this chapter to an applicant for public assistance. In addition, for cash assistance the department may disregard income pursuant to RCW 74.08A.230 and 74.12.350.

(b) If, under applicable federal requirements, the state has the option of considering property in the form of lump sum compensatory awards or related settlements received by an applicant or recipient as income or as a resource, the department shall consider such property to be a resource.

(13) "Need" ~~((—))~~ means the difference between the applicant's or recipient's standards of assistance for himself or herself and the dependent members of his or her family, as measured by the standards of the department,

and value of all nonexempt resources and nonexempt income received by or available to the applicant or recipient and the dependent members of his or her family.

(14) For purposes of determining eligibility for public assistance and participation levels in the cost of medical care, the department shall exempt restitution payments made to people of Japanese and Aleut ancestry pursuant to the Civil Liberties Act of 1988 and the Aleutian and Pribilof Island Restitution Act passed by congress, P.L. 100-383, including all income and resources derived therefrom.

(15) In the construction of words and phrases used in this title, the singular number shall include the plural, the masculine gender shall include both the feminine and neuter genders, and the present tense shall include the past and future tenses, unless the context thereof shall clearly indicate to the contrary.

**Sec. 9.** RCW 74.09.510 and 2010 c 94 s 24 are each amended to read as follows:

Medical assistance may be provided in accordance with eligibility requirements established by the department, as defined in the social security Title XIX state plan for mandatory categorically needy persons and:

(1) Individuals who would be eligible for cash assistance except for their institutional status;

(2) Individuals who are under twenty-one years of age, who would be eligible for medicaid, but do not qualify as dependent children and who are in (a) foster care, (b) subsidized adoption, (c) a nursing facility or an intermediate care facility for persons with intellectual disabilities, or (d) inpatient psychiatric facilities;

(3) Individuals who:

(a) Are under twenty-one years of age;

(b) On or after July 22, 2007, were in foster care under the legal responsibility of the department or a federally recognized tribe located within the state; and

(c) On their eighteenth birthday, were in foster care under the legal responsibility of the department or a federally recognized tribe located within the state;

(4) Persons who are aged, blind, or disabled who: (a) Receive only a state supplement, or (b) would not be eligible for cash assistance if they were not institutionalized;

(5) Categorically eligible individuals who meet the income and resource requirements of the cash assistance programs;

(6) Individuals who are enrolled in managed health care systems, who have otherwise lost eligibility for medical assistance, but who have not completed a current six-month enrollment in a managed health care system, and who are eligible for federal financial participation under Title XIX of the social security act;

(7) Children and pregnant women allowed by federal statute for whom funding is appropriated;

(8) Working individuals with disabilities authorized under section 1902(a)(10)(A)(ii) of the social security act for whom funding is appropriated;

(9) Other individuals eligible for medical services under RCW 74.09.035 based on age, blindness, or disability and income and resources standards for

medical care services and 74.09.700 for whom federal financial participation is available under Title XIX of the social security act;

(10) Persons allowed by section 1931 of the social security act for whom funding is appropriated; and

(11) Women who: (a) Are under sixty-five years of age; (b) have been screened for breast and cervical cancer under the national breast and cervical cancer early detection program administered by the department of health or tribal entity and have been identified as needing treatment for breast or cervical cancer; and (c) are not otherwise covered by health insurance. Medical assistance provided under this subsection is limited to the period during which the woman requires treatment for breast or cervical cancer, and is subject to any conditions or limitations specified in the omnibus appropriations act.

**Sec. 10.** RCW 74.50.055 and 1989 1st ex.s. c 18 s 4 are each amended to read as follows:

(1) A person shall not be eligible for treatment services under this chapter unless he or she:

(a) Meets the ~~((financial))~~ income and resource eligibility requirements ~~((contained in RCW 74.04.005))~~ for the medical care services program under RCW 74.09.035(1)(a)(iv) and (v); and

(b) Is incapacitated from gainful employment, which incapacity will likely continue for a minimum of sixty days.

(2) First priority for receipt of treatment services shall be given to pregnant women and parents of young children.

(3) In order to rationally allocate treatment services, the department may establish by rule caseload ceilings and additional eligibility criteria, including the setting of priorities among classes of persons for the receipt of treatment services. Any such rules shall be consistent with any conditions or limitations contained in any appropriations for treatment services.

**Sec. 11.** RCW 70.96A.530 and 2010 1st sp.s. c 8 s 10 are each amended to read as follows:

If an assessment by a certified chemical dependency counselor indicates a need for drug or alcohol treatment, in order to enable a person receiving ~~((disability lifeline))~~ benefits under sections 3 and 4 of this act to improve his or her health status and transition from ~~((disability lifeline))~~ those benefits to employment, or transition to federal disability benefits, the person must be given high priority for enrollment in treatment, within funds appropriated for that treatment. However, first priority for receipt of treatment services must be given to pregnant women and parents of young children. This section expires June 30, 2013. ~~((Persons who are terminated from disability lifeline benefits under RCW 74.04.005(5)(h) and are actively engaged in chemical dependency treatment during the month they are terminated shall be provided the opportunity to complete their current course of treatment.))~~

**Sec. 12.** RCW 10.101.010 and 2010 1st sp.s. c 8 s 12 are each amended to read as follows:

The following definitions shall be applied in connection with this chapter:

(1) "Indigent" means a person who, at any stage of a court proceeding, is:

(a) Receiving one of the following types of public assistance: Temporary assistance for needy families, ~~((disability lifeline))~~ aged, blind, or disabled

assistance benefits, medical care services under RCW 74.09.035, pregnant women assistance benefits, poverty-related veterans' benefits, food stamps or food stamp benefits transferred electronically, refugee resettlement benefits, medicaid, or supplemental security income; or

(b) Involuntarily committed to a public mental health facility; or

(c) Receiving an annual income, after taxes, of one hundred twenty-five percent or less of the current federally established poverty level; or

(d) Unable to pay the anticipated cost of counsel for the matter before the court because his or her available funds are insufficient to pay any amount for the retention of counsel.

(2) "Indigent and able to contribute" means a person who, at any stage of a court proceeding, is unable to pay the anticipated cost of counsel for the matter before the court because his or her available funds are less than the anticipated cost of counsel but sufficient for the person to pay a portion of that cost.

(3) "Anticipated cost of counsel" means the cost of retaining private counsel for representation on the matter before the court.

(4) "Available funds" means liquid assets and disposable net monthly income calculated after provision is made for bail obligations. For the purpose of determining available funds, the following definitions shall apply:

(a) "Liquid assets" means cash, savings accounts, bank accounts, stocks, bonds, certificates of deposit, equity in real estate, and equity in motor vehicles. A motor vehicle necessary to maintain employment and having a market value not greater than three thousand dollars shall not be considered a liquid asset.

(b) "Income" means salary, wages, interest, dividends, and other earnings which are reportable for federal income tax purposes, and cash payments such as reimbursements received from pensions, annuities, social security, and public assistance programs. It includes any contribution received from any family member or other person who is domiciled in the same residence as the defendant and who is helping to defray the defendant's basic living costs.

(c) "Disposable net monthly income" means the income remaining each month after deducting federal, state, or local income taxes, social security taxes, contributory retirement, union dues, and basic living costs.

(d) "Basic living costs" means the average monthly amount spent by the defendant for reasonable payments toward living costs, such as shelter, food, utilities, health care, transportation, clothing, loan payments, support payments, and court-imposed obligations.

**Sec. 13.** RCW 13.34.030 and 2011 c 330 s 3 and 2011 c 309 s 22 are each reenacted and amended to read as follows:

For purposes of this chapter:

(1) "Abandoned" means when the child's parent, guardian, or other custodian has expressed, either by statement or conduct, an intent to forego, for an extended period, parental rights or responsibilities despite an ability to exercise such rights and responsibilities. If the court finds that the petitioner has exercised due diligence in attempting to locate the parent, no contact between the child and the child's parent, guardian, or other custodian for a period of three months creates a rebuttable presumption of abandonment, even if there is no expressed intent to abandon.

(2) "Child," "juvenile," and "youth" means:

(a) Any individual under the age of eighteen years; or

(b) Any individual age eighteen to twenty-one years who is eligible to receive and who elects to receive the extended foster care services authorized under RCW 74.13.031. A youth who remains dependent and who receives extended foster care services under RCW 74.13.031 shall not be considered a "child" under any other statute or for any other purpose.

(3) "Current placement episode" means the period of time that begins with the most recent date that the child was removed from the home of the parent, guardian, or legal custodian for purposes of placement in out-of-home care and continues until: (a) The child returns home; (b) an adoption decree, a permanent custody order, or guardianship order is entered; or (c) the dependency is dismissed, whichever occurs first.

(4) "Department" means the department of social and health services.

(5) "Dependency guardian" means the person, nonprofit corporation, or Indian tribe appointed by the court pursuant to this chapter for the limited purpose of assisting the court in the supervision of the dependency.

(6) "Dependent child" means any child who:

(a) Has been abandoned;

(b) Is abused or neglected as defined in chapter 26.44 RCW by a person legally responsible for the care of the child;

(c) Has no parent, guardian, or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development; or

(d) Is receiving extended foster care services, as authorized by RCW 74.13.031.

(7) "Developmental disability" means a disability attributable to intellectual disability, cerebral palsy, epilepsy, autism, or another neurological or other condition of an individual found by the secretary to be closely related to an intellectual disability or to require treatment similar to that required for individuals with intellectual disabilities, which disability originates before the individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial limitation to the individual.

(8) "Guardian" means the person or agency that: (a) Has been appointed as the guardian of a child in a legal proceeding, including a guardian appointed pursuant to chapter 13.36 RCW; and (b) has the legal right to custody of the child pursuant to such appointment. The term "guardian" does not include a "dependency guardian" appointed pursuant to a proceeding under this chapter.

(9) "Guardian ad litem" means a person, appointed by the court to represent the best interests of a child in a proceeding under this chapter, or in any matter which may be consolidated with a proceeding under this chapter. A "court-appointed special advocate" appointed by the court to be the guardian ad litem for the child, or to perform substantially the same duties and functions as a guardian ad litem, shall be deemed to be guardian ad litem for all purposes and uses of this chapter.

(10) "Guardian ad litem program" means a court-authorized volunteer program, which is or may be established by the superior court of the county in which such proceeding is filed, to manage all aspects of volunteer guardian ad litem representation for children alleged or found to be dependent. Such

management shall include but is not limited to: Recruitment, screening, training, supervision, assignment, and discharge of volunteers.

(11) "Housing assistance" means appropriate referrals by the department or other supervising agencies to federal, state, local, or private agencies or organizations, assistance with forms, applications, or financial subsidies or other monetary assistance for housing. For purposes of this chapter, "housing assistance" is not a remedial service or time-limited family reunification service as described in RCW 13.34.025(2).

(12) "Indigent" means a person who, at any stage of a court proceeding, is:

(a) Receiving one of the following types of public assistance: Temporary assistance for needy families, ~~((disability lifeline))~~ aged, blind, or disabled assistance benefits, medical care services under RCW 74.09.035, pregnant women assistance benefits, poverty-related veterans' benefits, food stamps or food stamp benefits transferred electronically, refugee resettlement benefits, medicaid, or supplemental security income; or

(b) Involuntarily committed to a public mental health facility; or

(c) Receiving an annual income, after taxes, of one hundred twenty-five percent or less of the federally established poverty level; or

(d) Unable to pay the anticipated cost of counsel for the matter before the court because his or her available funds are insufficient to pay any amount for the retention of counsel.

(13) "Out-of-home care" means placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.

(14) "Preventive services" means preservation services, as defined in chapter 74.14C RCW, and other reasonably available services, including housing assistance, capable of preventing the need for out-of-home placement while protecting the child.

(15) "Shelter care" means temporary physical care in a facility licensed pursuant to RCW 74.15.030 or in a home not required to be licensed pursuant to RCW 74.15.030.

(16) "Sibling" means a child's birth brother, birth sister, adoptive brother, adoptive sister, half-brother, or half-sister, or as defined by the law or custom of the Indian child's tribe for an Indian child as defined in ~~((section 4 of this act))~~ RCW 13.—.— (section 4, chapter 309, Laws of 2011).

(17) "Social study" means a written evaluation of matters relevant to the disposition of the case and shall contain the following information:

(a) A statement of the specific harm or harms to the child that intervention is designed to alleviate;

(b) A description of the specific services and activities, for both the parents and child, that are needed in order to prevent serious harm to the child; the reasons why such services and activities are likely to be useful; the availability of any proposed services; and the agency's overall plan for ensuring that the services will be delivered. The description shall identify the services chosen and approved by the parent;

(c) If removal is recommended, a full description of the reasons why the child cannot be protected adequately in the home, including a description of any previous efforts to work with the parents and the child in the home; the in-home

treatment programs that have been considered and rejected; the preventive services, including housing assistance, that have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home; and the parents' attitude toward placement of the child;

(d) A statement of the likely harms the child will suffer as a result of removal;

(e) A description of the steps that will be taken to minimize the harm to the child that may result if separation occurs including an assessment of the child's relationship and emotional bond with any siblings, and the agency's plan to provide ongoing contact between the child and the child's siblings if appropriate; and

(f) Behavior that will be expected before determination that supervision of the family or placement is no longer necessary.

(18) "Supervising agency" means an agency licensed by the state under RCW 74.15.090, or licensed by a federally recognized Indian tribe located in this state under RCW 74.15.190, that has entered into a performance-based contract with the department to provide case management for the delivery and documentation of child welfare services as defined in RCW 74.13.020.

(19) "Extended foster care services" means residential and other support services the department is authorized to provide under RCW 74.13.031.

**Sec. 14.** RCW 26.19.071 and 2010 1st sp.s. c 8 s 14 are each amended to read as follows:

(1) **Consideration of all income.** All income and resources of each parent's household shall be disclosed and considered by the court when the court determines the child support obligation of each parent. Only the income of the parents of the children whose support is at issue shall be calculated for purposes of calculating the basic support obligation. Income and resources of any other person shall not be included in calculating the basic support obligation.

(2) **Verification of income.** Tax returns for the preceding two years and current paystubs shall be provided to verify income and deductions. Other sufficient verification shall be required for income and deductions which do not appear on tax returns or paystubs.

(3) **Income sources included in gross monthly income.** Except as specifically excluded in subsection (4) of this section, monthly gross income shall include income from any source, including:

(a) Salaries;

(b) Wages;

(c) Commissions;

(d) Deferred compensation;

(e) Overtime, except as excluded for income in subsection (4)~~((h))~~ (i) of this section;

(f) Contract-related benefits;

(g) Income from second jobs, except as excluded for income in subsection 4)~~((h))~~ (i) of this section;

(h) Dividends;

(i) Interest;

(j) Trust income;

(k) Severance pay;

(l) Annuities;  
 (m) Capital gains;  
 (n) Pension retirement benefits;  
 (o) Workers' compensation;  
 (p) Unemployment benefits;  
 (q) Maintenance actually received;  
 (r) Bonuses;  
 (s) Social security benefits;  
 (t) Disability insurance benefits; and  
 (u) Income from self-employment, rent, royalties, contracts, proprietorship of a business, or joint ownership of a partnership or closely held corporation.

(4) **Income sources excluded from gross monthly income.** The following income and resources shall be disclosed but shall not be included in gross income:

(a) Income of a new spouse or new domestic partner or income of other adults in the household;  
 (b) Child support received from other relationships;  
 (c) Gifts and prizes;  
 (d) Temporary assistance for needy families;  
 (e) Supplemental security income;  
 (f) ~~(Disability lifeline)~~ Aged, blind, or disabled assistance benefits;  
 (g) Pregnant women assistance benefits;  
 (h) Food stamps; and  
~~((h))~~ (i) Overtime or income from second jobs beyond forty hours per week averaged over a twelve-month period worked to provide for a current family's needs, to retire past relationship debts, or to retire child support debt, when the court finds the income will cease when the party has paid off his or her debts.

Receipt of income and resources from temporary assistance for needy families, supplemental security income, ~~((disability lifeline))~~ aged, blind, or disabled assistance benefits, and food stamps shall not be a reason to deviate from the standard calculation.

(5) **Determination of net income.** The following expenses shall be disclosed and deducted from gross monthly income to calculate net monthly income:

(a) Federal and state income taxes;  
 (b) Federal insurance contributions act deductions;  
 (c) Mandatory pension plan payments;  
 (d) Mandatory union or professional dues;  
 (e) State industrial insurance premiums;  
 (f) Court-ordered maintenance to the extent actually paid;  
 (g) Up to five thousand dollars per year in voluntary retirement contributions actually made if the contributions show a pattern of contributions during the one-year period preceding the action establishing the child support order unless there is a determination that the contributions were made for the purpose of reducing child support; and  
 (h) Normal business expenses and self-employment taxes for self-employed persons. Justification shall be required for any business expense deduction about which there is disagreement.



Items deducted from gross income under this subsection shall not be a reason to deviate from the standard calculation.

(6) **Imputation of income.** The court shall impute income to a parent when the parent is voluntarily unemployed or voluntarily underemployed. The court shall determine whether the parent is voluntarily underemployed or voluntarily unemployed based upon that parent's work history, education, health, and age, or any other relevant factors. A court shall not impute income to a parent who is gainfully employed on a full-time basis, unless the court finds that the parent is voluntarily underemployed and finds that the parent is purposely underemployed to reduce the parent's child support obligation. Income shall not be imputed for an unemployable parent. Income shall not be imputed to a parent to the extent the parent is unemployed or significantly underemployed due to the parent's efforts to comply with court-ordered reunification efforts under chapter 13.34 RCW or under a voluntary placement agreement with an agency supervising the child. In the absence of records of a parent's actual earnings, the court shall impute a parent's income in the following order of priority:

- (a) Full-time earnings at the current rate of pay;
- (b) Full-time earnings at the historical rate of pay based on reliable information, such as employment security department data;
- (c) Full-time earnings at a past rate of pay where information is incomplete or sporadic;
- (d) Full-time earnings at minimum wage in the jurisdiction where the parent resides if the parent has a recent history of minimum wage earnings, is recently coming off public assistance, (~~(disability lifeline)~~) aged, blind, or disabled assistance benefits, pregnant women assistance benefits, essential needs and housing support, supplemental security income, or disability, has recently been released from incarceration, or is a high school student;
- (e) Median net monthly income of year-round full-time workers as derived from the United States bureau of census, current population reports, or such replacement report as published by the bureau of census.

**Sec. 15.** RCW 31.04.540 and 2010 1st sp.s. c 8 s 15 are each amended to read as follows:

(1) To the extent that implementation of this section does not conflict with federal law resulting in the loss of federal funding, proprietary reverse mortgage loan advances made to a borrower must be treated as proceeds from a loan and not as income for the purpose of determining eligibility and benefits under means-tested programs of aid to individuals.

(2) Undisbursed reverse mortgage funds must be treated as equity in the borrower's home and not as proceeds from a loan, resources, or assets for the purpose of determining eligibility and benefits under means-tested programs of aid to individuals.

(3) This section applies to any law or program relating to payments, allowances, benefits, or services provided on a means-tested basis by this state including, but not limited to, optional state supplements to the federal supplemental security income program, low-income energy assistance, property tax relief, (~~(disability lifeline benefits)~~) aged, blind, or disabled assistance benefits, pregnant women assistance benefits, essential needs and housing support, and medical assistance only to the extent this section does not conflict with Title 19 of the federal social security act.

**Sec. 16.** RCW 70.123.110 and 2010 1st sp.s. c 8 s 16 are each amended to read as follows:

~~((Disability lifeline))~~ Aged, blind, or disabled assistance benefits, essential needs and housing support benefits, pregnant women assistance benefits, or temporary assistance for needy families payments shall be made to otherwise eligible individuals who are residing in a secure shelter, a housing network or other shelter facility which provides shelter services to persons who are victims of domestic violence. Provisions shall be made by the department for the confidentiality of the shelter addresses where victims are residing.

**Sec. 17.** RCW 73.08.005 and 2010 1st sp.s. c 8 s 17 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Direct costs" includes those allowable costs that can be readily assigned to the statutory objectives of this chapter, consistent with the cost principles promulgated by the federal office of management and budget in circular No. A-87, dated May 10, 2004.

(2) "Family" means the spouse or domestic partner, surviving spouse, surviving domestic partner, and dependent children of a living or deceased veteran.

(3) "Indigent" means a person who is defined as such by the county legislative authority using one or more of the following definitions:

(a) Receiving one of the following types of public assistance: Temporary assistance for needy families, ~~((disability lifeline))~~ aged, blind, or disabled assistance benefits, pregnant women assistance benefits, poverty-related veterans' benefits, food stamps or food stamp benefits transferred electronically, refugee resettlement benefits, medicaid, medical care services, or supplemental security income;

(b) Receiving an annual income, after taxes, of up to one hundred fifty percent or less of the current federally established poverty level, or receiving an annual income not exceeding a higher qualifying income established by the county legislative authority; or

(c) Unable to pay reasonable costs for shelter, food, utilities, and transportation because his or her available funds are insufficient.

(4) "Indirect costs" includes those allowable costs that are generally associated with carrying out the statutory objectives of this chapter, but the identification and tracking of those costs cannot be readily assigned to a specific statutory objective without an accounting effort that is disproportionate to the benefit received. A county legislative authority may allocate allowable indirect costs to its veterans' assistance fund if it is accomplished in a manner consistent with the cost principles promulgated by the federal office of management and budget in circular No. A-87, dated May 10, 2004.

(5) "Veteran" has the same meaning as defined in RCW 41.04.005 and 41.04.007, and includes a current member of the national guard or armed forces reserves who has been deployed to serve in an armed conflict.

(6) "Veterans' advisory board" means a board established by a county legislative authority under the authority of RCW 73.08.035.

(7) "Veterans' assistance fund" means an account in the custody of the county auditor, or the chief financial officer in a county operating under a charter, that is funded by taxes levied under the authority of RCW 73.08.080.

(8) "Veterans' assistance program" means a program approved by the county legislative authority under the authority of RCW 73.08.010 that is fully or partially funded by the veterans' assistance fund authorized by RCW 73.08.080.

**Sec. 18.** RCW 74.04.0052 and 2010 1st sp.s. c 8 s 18 are each amended to read as follows:

(1) The department shall determine, after consideration of all relevant factors and in consultation with the applicant, the most appropriate living situation for applicants under eighteen years of age, unmarried, and pregnant who are eligible for (~~disability-lifetime~~) benefits under sections 3 and 4 of this act. An appropriate living situation shall include a place of residence that is maintained by the applicant's parents, parent, legal guardian, or other adult relative as their or his or her own home and that the department finds would provide an appropriate supportive living arrangement. It also includes a living situation maintained by an agency that is licensed under chapter 74.15 RCW that the department finds would provide an appropriate supportive living arrangement. Grant assistance shall not be provided under this chapter if the applicant does not reside in the most appropriate living situation, as determined by the department.

(2) A pregnant minor residing in the most appropriate living situation, as provided under subsection (1) of this section, is presumed to be unable to manage adequately the funds paid to the minor or on behalf of the dependent child or children and, unless the minor provides sufficient evidence to rebut the presumption, shall be subject to the protective payee requirements provided for under RCW 74.12.250 and 74.08.280.

(3) The department shall consider any statements or opinions by either parent of the unmarried minor parent or pregnant minor applicant as to an appropriate living situation for the minor, whether in the parental home or other situation. If the parents or a parent of the minor request, they or he or she shall be entitled to a hearing in juvenile court regarding designation of the parental home or other relative placement as the most appropriate living situation for the pregnant or parenting minor.

The department shall provide the parents or parent with the opportunity to make a showing that the parental home, or home of the other relative placement, is the most appropriate living situation. It shall be presumed in any administrative or judicial proceeding conducted under this subsection that the parental home or other relative placement requested by the parents or parent is the most appropriate living situation. This presumption is rebuttable.

(4) In cases in which the minor is unmarried and unemployed, the department shall, as part of the determination of the appropriate living situation, provide information about adoption including referral to community-based organizations providing counseling.

(5) For the purposes of this section, "most appropriate living situation" shall not include a living situation including an adult male who fathered the qualifying child and is found to meet the elements of rape of a child as set forth in RCW 9A.44.079.

**Sec. 19.** RCW 74.04.225 and 2010 1st sp.s. c 8 s 2 are each amended to read as follows:

(1) An online opportunity portal shall be established to provide the public with more effective access to available state, federal, and local services. The secretary of the department of social and health services shall act as the executive branch sponsor of the portal planning process. Under the leadership of the secretary, the department shall:

(a) Identify and select an appropriate solution and acquisition approach to integrate technology systems to create a user-friendly electronic tool for Washington residents to apply for benefits;

(b) Facilitate the adaptation of state information technology systems to allow applications generated through the opportunity portal and other compatible electronic application systems to seamlessly link to appropriate state information systems;

(c) Ensure that the portal provides access to a broad array of state, federal, and local services, including but not limited to: Health care services, higher education financial aid, tax credits, civic engagement, nutrition assistance, energy assistance, family support, and ~~((disability lifeline benefits))~~ the programs under sections 3 and 4 of this act and as defined in RCW 10.101.010, 13.34.030, ~~((43.330.175,))~~ 70.96A.530, 74.04.005, 74.04.652, 74.04.655, 74.04.657, and ~~((74.04.810))~~ sections 1 through 3 and 7 of this act;

(d) Design an implementation strategy for the portal that maximizes collaboration with community-based organizations to facilitate its use by low-income individuals and families;

(e) Provide access to the portal at a wide array of locations including but not limited to: Community or technical colleges, community college campuses where community service offices are colocated, community-based organizations, libraries, churches, food banks, state agencies, early childhood education sites, and labor unions;

(f) Ensure project resources maximize available federal and private funds for development and initial operation of the opportunity portal. Any incidental costs to state agencies shall be derived from existing resources. This subsection does not obligate or preclude the appropriation of future state funding for the opportunity portal;

(g) Determine the solution and acquisition approach by June 1, 2010.

(2) By December 1, 2011, and annually thereafter, the department of social and health services shall report to the legislature and governor. The report shall include data and information on implementation and outcomes of the opportunity portal, including any increases in the use of public benefits and increases in federal funding.

(3) The department shall develop a plan for implementing paperless application processes for the services included in the opportunity portal for which the electronic exchange of application information is possible. The plan should include a goal of achieving, to the extent possible, the transition of these services to paperless application processes by July 1, 2012. The plan must comply with federal statutes and regulations and must allow applicants to submit applications by alternative means to ensure that access to benefits will not be restricted.

(4) To the extent that the department enters into a contractual relationship to accomplish the purposes of this section, such contract or contracts shall be performance-based.

**Sec. 20.** RCW 74.04.230 and 2010 1st sp.s. c 8 s 20 are each amended to read as follows:

Persons eligible for ~~((disability lifeline))~~ medical care services benefits are eligible for mental health services to the extent that they meet the client definitions and priorities established by chapter 71.24 RCW.

**Sec. 21.** RCW 74.04.266 and 2010 1st sp.s. c 8 s 21 are each amended to read as follows:

In determining need for ~~((disability lifeline benefits))~~ aged, blind, or disabled assistance, and medical care services, the department may by rule and regulation establish a monthly earned income exemption in an amount not to exceed the exemption allowable under disability programs authorized in Title XVI of the federal social security act.

**Sec. 22.** RCW 74.04.620 and 2010 1st sp.s. c 8 s 22 are each amended to read as follows:

(1) The department is authorized to establish a program of state supplementation to the national program of supplemental security income consistent with Public Law 92-603 and Public Law 93-66 to those persons who are in need thereof in accordance with eligibility requirements established by the department.

(2) The department is authorized to establish reasonable standards of assistance and resource and income exemptions specifically for such program of state supplementation which shall be consistent with the provisions of the Social Security Act.

(3) The department is authorized to make payments to applicants for supplemental security income, pursuant to agreements as provided in Public Law 93-368, who are otherwise eligible for ~~((disability lifeline benefits))~~ aged, blind, or disabled assistance.

(4) Any agreement between the department and a supplemental security income applicant providing for the reimbursement of interim assistance to the department shall provide, if the applicant has been represented by an attorney, that twenty-five percent of the reimbursement received shall be withheld by the department and all or such portion thereof as has been approved as a fee by the United States department of health and human services shall be released directly to the applicant's attorney. The secretary may maintain such records as are deemed appropriate to measure the cost and effectiveness of such agreements and may make recommendations concerning the continued use of such agreements to the legislature.

**Sec. 23.** RCW 74.04.652 and 2010 1st sp.s. c 8 s 7 are each amended to read as follows:

(1) To ensure that persons who are likely eligible for supplemental security income benefits are transitioned from ~~((disability lifeline benefits to disability lifeline expedited))~~ the medical care services program to the aged, blind, or disabled assistance program, and the medicaid program, and then to the supplemental security income program as quickly as practicable, the department shall implement the early supplemental security income transition project

starting in King, Pierce, and Spokane counties no later than July 1, 2010, and extending statewide no later than October 1, 2011. The program shall be implemented through performance-based contracts with managed health care systems providing medical care services under RCW 74.09.035 or other qualified entities. The participants shall have the following responsibilities and duties under this program:

(a) The entities with whom the department contracts to provide the program shall be responsible for:

(i) Systematically screening persons receiving ~~((disability-lifeline))~~ benefits under section 6 of this act at the point of eligibility determination or shortly thereafter to determine if the persons should be referred for medical or behavioral health evaluations to determine whether they are likely eligible for supplemental security income;

(ii) Immediately sharing the results of the disability screening with the department;

(iii) Managing ~~((disability-lifeline))~~ medical care services and aged, blind, or disabled assistance incapacity evaluation examinations to provide timely access to needed medical and behavioral health evaluations and standardizing health care providers' conduct of incapacity evaluations. To maximize the timeliness and efficiency of incapacity evaluation examinations, the department must strongly consider contracting with a managed health care system with a network of health care providers that are trained and have agreed to conduct ~~((disability-lifeline))~~ aged, blind, or disabled medical and psychological incapacity and recertification exams. The department may obtain medical evidence and other relevant information from sources other than the contracted entity if such evidence is available at the time of a person's application for ~~((disability-lifeline))~~ aged, blind, or disabled benefits and is sufficient to support a determination that the person is incapacitated;

(iv) Maintaining a centralized appointment and clinical data system; and

(v) Assisting persons receiving ~~((disability-lifeline-benefits))~~ medical care services benefits, except recipients of alcohol and addiction treatment under chapter 74.50 RCW, with obtaining additional medical or behavioral health examinations needed to meet the disability standard for federal supplemental security income benefits and with submission of applications for supplemental security income benefits.

(b) The department shall be responsible for:

(i) Determining incapacity and eligibility for ~~((disability-lifeline))~~ benefits under sections 3 and 4 of this act;

(ii) Making timely determinations that a person receiving ~~((disability-lifeline-benefits))~~ medical care services benefits, except recipients of alcohol and addiction treatment under chapter 74.50 RCW, is likely eligible for supplemental security income based on medical evidence and other relevant information provided by a contracted entity, and immediately referring such persons to a contracted entity for services;

(iii) Developing standardized procedures for sharing data and information with the contracted entities to ensure timely identification of clients who have not been transferred to the ~~((disability-lifeline-expedited))~~ aged, blind, or disabled assistance program within four months of their date of application, but who may, upon further review, be appropriately transferred to that program;

(iv) Providing case management, in partnership with the managed health care system or contracted entity, to support persons' transition to federal supplemental security income and medicaid benefits; and

(v) Identifying a savings determination methodology, in consultation with the contracted entities, the office of financial management, and the legislature, on or before implementation of the project.

(2) Early supplemental security income transition project contracts shall include the following performance goals:

(a) Persons receiving ~~((disability lifeline benefits))~~ medical care services benefits, except recipients of alcohol and addiction treatment under chapter 74.50 RCW, should be screened within thirty days of entering the program to determine the propriety of their transfer to the ~~((disability lifeline expedited))~~ aged, blind, or disabled assistance program; and

(b) Seventy-five percent of persons receiving ~~((disability lifeline benefits))~~ medical care services benefits, except recipients of alcohol and addiction treatment under chapter 74.50 RCW, that appear likely to qualify for supplemental security income benefits shall be transferred to the ~~((disability lifeline expedited))~~ aged, blind, or disabled assistance program within four months of their application for ~~((disability lifeline))~~ aged, blind, or disabled benefits.

(3) The initial focus of the efforts of the early supplemental security income transition project shall be on persons who have been receiving ~~((disability lifeline or general assistance unemployable benefits))~~ medical care services, except recipients of alcohol and addiction treatment under chapter 74.50 RCW or aged, blind, or disabled assistance, for twelve or more months ~~((as of September 1, 2010))~~.

(4) No later than December 1, 2011, the department shall report to the governor and appropriate policy and fiscal committees on whether the early supplemental security income transition project performance goals in subsection (2) of this section were met, including the reasons those goals were or were not met.

(5) Pursuant to RCW 41.06.142(3), performance-based contracting under this section is expressly mandated by the legislature and is not subject to the processes set forth in RCW 41.06.142 (1), (4), and (5).

The statewide expansion of the program under this section shall be considered expressly mandated by the legislature and not be subject to the provisions of RCW 41.06.142 (1), (4), and (5).

**Sec. 24.** RCW 74.04.655 and 2010 1st sp.s. c 8 s 5 are each amended to read as follows:

(1) The economic services administration shall work jointly with the division of vocational rehabilitation to develop an assessment tool that must be used to determine whether the programs offered by the division of vocational rehabilitation could assist persons receiving ~~((disability lifeline))~~ benefits under sections 3 and 4 of this act in returning to the workforce. The assessment tool shall be completed no later than December 1, 2010. The economic services administration shall begin using the tool no later than January 1, 2011. No later than December 30, 2011, the department shall report on the use of the tool and to what extent the programs offered by the division of vocational rehabilitation

have been successful in returning persons receiving ~~((disability-lifeline))~~ aged, blind, or disabled benefits to the workforce.

(2) After January 1, 2011, all persons receiving ~~((disability-lifeline))~~ benefits under sections 3 and 5 of this act shall be assessed to determine whether they would likely benefit from a program offered by the division of vocational rehabilitation. If the assessment indicates that the person might benefit, the economic services administration shall make a referral to the division of vocational rehabilitation. If the person is found eligible for a program with the division of vocational rehabilitation, he or she must participate in that program to remain eligible for the monthly stipend and housing voucher or a cash grant. If the person refuses to participate or does not complete the program, the department shall terminate the cash stipend and housing voucher or cash grant but may not terminate medical coverage and food benefits.

**Sec. 25.** RCW 74.04.657 and 2010 1st sp.s. c 8 s 6 are each amended to read as follows:

During the application process for ~~((disability-lifeline))~~ benefits under sections 3 and 4 of this act, the department shall inquire of each applicant whether he or she has ever served in the United States military service. If the applicant answers in the affirmative, the department shall confer with a veterans benefit specialist with the Washington state department of veterans affairs or a contracted veterans service officer in the community to determine whether the applicant is eligible for any benefits or programs offered to veterans by either the state or the federal government.

**Sec. 26.** RCW 74.04.770 and 2010 1st sp.s. c 8 s 23 are each amended to read as follows:

The department shall establish consolidated standards of need each fiscal year which may vary by geographical areas, program, and family size, for temporary assistance for needy families, refugee assistance, supplemental security income, and ~~((disability-lifeline))~~ benefits under section 3 of this act. Standards for temporary assistance for needy families, refugee assistance, and ~~((disability-lifeline))~~ benefits under section 3 of this act shall be based on studies of actual living costs and generally recognized inflation indices and shall include reasonable allowances for shelter, fuel, food, transportation, clothing, household maintenance and operations, personal maintenance, and necessary incidentals. The standard of need may take into account the economies of joint living arrangements, but unless explicitly required by federal statute, there shall not be proration of any portion of assistance grants unless the amount of the grant standard is equal to the standard of need.

The department is authorized to establish rateable reductions and grant maximums consistent with federal law.

Payment level will be equal to need or a lesser amount if rateable reductions or grant maximums are imposed. In no case shall a recipient of supplemental security income receive a state supplement less than the minimum required by federal law.

The department may establish a separate standard for shelter provided at no cost.

**Sec. 27.** RCW 74.08.043 and 2010 1st sp.s. c 8 s 24 are each amended to read as follows:



In determining the living requirements of otherwise eligible applicants and recipients of supplemental security income and ~~((disability lifeline))~~ benefits under sections 3 and 4 of this act, the department is authorized to consider the need for personal and special care and supervision due to physical and mental conditions.

**Sec. 28.** RCW 74.08.278 and 2010 1st sp.s. c 8 s 25 are each amended to read as follows:

In order to comply with federal statutes and regulations pertaining to federal matching funds and to provide for the prompt payment of initial grants and adjusting payments of grants the secretary is authorized to make provisions for the cash payment of assistance by the secretary or county administrators by the establishment of a central operating fund. The secretary may establish such a fund with the approval of the state auditor from moneys appropriated to the department for the payment of ~~((disability lifeline))~~ benefits under section 3 of this act in a sum not to exceed one million dollars. Such funds shall be deposited as agreed upon by the secretary and the state auditor in accordance with the laws regulating the deposits of public funds. Such security shall be required of the depository in connection with the fund as the state treasurer may prescribe. Moneys remaining in the fund shall be returned to the general fund at the end of the biennium, or an accounting of proper expenditures from the fund shall be made to the state auditor. All expenditures from such central operating fund shall be reimbursed out of and charged to the proper program appropriated by the use of such forms and vouchers as are approved by the secretary of the department and the state auditor. Expenditures from such fund shall be audited by the director of financial management and the state auditor from time to time and a report shall be made by the state auditor and the secretary as are required by law.

**Sec. 29.** RCW 74.08.335 and 2010 1st sp.s. c 8 s 26 are each amended to read as follows:

Temporary assistance for needy families and ~~((disability lifeline))~~ benefits under sections 3 and 4 of this act shall not be granted to any person who has made an assignment or transfer of property for the purpose of rendering himself or herself eligible for the assistance. There is a rebuttable presumption that a person who has transferred or transfers any real or personal property or any interest in property within two years of the date of application for the assistance without receiving adequate monetary consideration therefor, did so for the purpose of rendering himself or herself eligible for the assistance. Any person who transfers property for the purpose of rendering himself or herself eligible for assistance, or any person who after becoming a recipient transfers any property or any interest in property without the consent of the secretary, shall be ineligible for assistance for a period of time during which the reasonable value of the property so transferred would have been adequate to meet the person's needs under normal conditions of living: PROVIDED, That the secretary is hereby authorized to allow exceptions in cases where undue hardship would result from a denial of assistance.

**Sec. 30.** RCW 74.08A.210 and 2010 1st sp.s. c 8 s 27 are each amended to read as follows:

(1) In order to prevent some families from developing dependency on temporary assistance for needy families, the department shall make available to qualifying applicants a diversion program designed to provide brief, emergency assistance for families in crisis whose income and assets would otherwise qualify them for temporary assistance for needy families.

(2) Diversion assistance may include cash or vouchers in payment for the following needs:

- (a) Child care;
- (b) Housing assistance;
- (c) Transportation-related expenses;
- (d) Food;
- (e) Medical costs for the recipient's immediate family;
- (f) Employment-related expenses which are necessary to keep or obtain paid unsubsidized employment.

(3) Diversion assistance is available once in each twelve-month period for each adult applicant. Recipients of diversion assistance are not included in the temporary assistance for needy families program.

(4) Diversion assistance may not exceed one thousand five hundred dollars for each instance.

(5) To be eligible for diversion assistance, a family must otherwise be eligible for temporary assistance for needy families.

(6) Families ineligible for temporary assistance for needy families or ~~((disability lifeline))~~ benefits under section 3 of this act due to sanction, noncompliance, the lump sum income rule, or any other reason are not eligible for diversion assistance.

(7) Families must provide evidence showing that a bona fide need exists according to subsection (2) of this section in order to be eligible for diversion assistance.

An adult applicant may receive diversion assistance of any type no more than once per twelve-month period. If the recipient of diversion assistance is placed on the temporary assistance for needy families program within twelve months of receiving diversion assistance, the prorated dollar value of the assistance shall be treated as a loan from the state, and recovered by deduction from the recipient's cash grant.

**Sec. 31.** RCW 74.08A.440 and 2010 1st sp.s. c 8 s 32 are each amended to read as follows:

Recipients exempted from active work search activities due to incapacity or a disability shall receive ~~((disability lifeline))~~ services for which they are eligible, including aged, blind, or disabled assistance benefits as they relate to the facilitation of enrollment in the federal supplemental security income program, referrals to essential needs and housing support benefits, access to chemical dependency treatment, referrals to vocational rehabilitation, and other services needed to assist the recipient in becoming employable. ~~((Disability lifeline))~~ Aged, blind, or disabled assistance and essential needs and housing support benefits shall not supplant cash assistance and other services provided through the temporary assistance for needy families program. To the greatest extent possible, services shall be funded through the temporary assistance for needy families appropriations.

**Sec. 32.** RCW 74.09.555 and 2010 1st sp.s. c 8 s 30 are each amended to read as follows:

(1) The department shall adopt rules and policies providing that when persons with a mental disorder, who were enrolled in medical assistance immediately prior to confinement, are released from confinement, their medical assistance coverage will be fully reinstated on the day of their release, subject to any expedited review of their continued eligibility for medical assistance coverage that is required under federal or state law.

(2) The department, in collaboration with the Washington association of sheriffs and police chiefs, the department of corrections, and the regional support networks, shall establish procedures for coordination between department field offices, institutions for mental disease, and correctional institutions, as defined in RCW 9.94.049, that result in prompt reinstatement of eligibility and speedy eligibility determinations for persons who are likely to be eligible for medical assistance services upon release from confinement. Procedures developed under this subsection must address:

(a) Mechanisms for receiving medical assistance services applications on behalf of confined persons in anticipation of their release from confinement;

(b) Expedient review of applications filed by or on behalf of confined persons and, to the extent practicable, completion of the review before the person is released;

(c) Mechanisms for providing medical assistance services identity cards to persons eligible for medical assistance services immediately upon their release from confinement; and

(d) Coordination with the federal social security administration, through interagency agreements or otherwise, to expedite processing of applications for federal supplemental security income or social security disability benefits, including federal acceptance of applications on behalf of confined persons.

(3) Where medical or psychiatric examinations during a person's confinement indicate that the person is disabled, the correctional institution or institution for mental diseases shall provide the department with that information for purposes of making medical assistance eligibility and enrollment determinations prior to the person's release from confinement. The department shall, to the maximum extent permitted by federal law, use the examination in making its determination whether the person is disabled and eligible for medical assistance.

(4) For purposes of this section, "confined" or "confinement" means incarcerated in a correctional institution, as defined in RCW 9.94.049, or admitted to an institute for mental disease, as defined in 42 C.F.R. part 435, Sec. 1009 on July 24, 2005.

(5) For purposes of this section, "likely to be eligible" means that a person:

(a) Was enrolled in medicaid or supplemental security income or the ~~((disability lifeline))~~ medical care services program immediately before he or she was confined and his or her enrollment was terminated during his or her confinement; or

(b) Was enrolled in medicaid or supplemental security income or the ~~((disability lifeline))~~ medical care services program at any time during the five years before his or her confinement, and medical or psychiatric examinations

during the person's confinement indicate that the person continues to be disabled and the disability is likely to last at least twelve months following release.

(6) The economic services administration shall adopt standardized statewide screening and application practices and forms designed to facilitate the application of a confined person who is likely to be eligible for medicaid.

**Sec. 33.** RCW 74.50.060 and 2010 1st sp.s. c 8 s 31 are each amended to read as follows:

~~((4))~~ The department shall establish a shelter assistance program to provide, within available funds, shelter for persons eligible under this chapter. "Shelter," "shelter support," or "shelter assistance" means a facility under contract to the department providing room and board in a supervised living arrangement, normally in a group or dormitory setting, to eligible recipients under this chapter. This may include supervised domiciliary facilities operated under the auspices of public or private agencies. No facility under contract to the department shall allow the consumption of alcoholic beverages on the premises. The department may contract with counties and cities for such shelter services. To the extent possible, the department shall not displace existing emergency shelter beds for use as shelter under this chapter. In areas of the state in which it is not feasible to develop shelters, due to low numbers of people needing shelter services, or in which sufficient numbers of shelter beds are not available, the department may provide shelter through an intensive protective payee program, unless the department grants an exception on an individual basis for less intense supervision.

~~((2) Persons continuously eligible for the disability lifeline program since July 25, 1987, who transfer to the program established by this chapter, have the option to continue their present living situation, but only through a protective payee.))~~

NEW SECTION. **Sec. 34.** The following acts or parts of acts are each repealed:

(1) RCW 43.330.175 (Disability lifeline housing voucher program) and 2010 1st sp.s. c 8 s 8;

(2) RCW 74.04.120 (Basis of state's allocation of federal aid funds—County budget) and 2010 1st sp.s. c 8 s 19, 1979 c 141 s 301, & 1959 c 26 s 74.04.120; and

(3) RCW 74.04.810 (Study of disability lifeline program terminations—Report) and 2010 1st sp.s. c 8 s 11.

NEW SECTION. **Sec. 35.** The code reviser shall alphabetize the subsections containing definitions in RCW 74.04.005.

NEW SECTION. **Sec. 36.** Sections 1 through 3 and 7 of this act constitute a new chapter in Title 74 RCW.

NEW SECTION. **Sec. 37.** Section 11 of this act expires June 30, 2013.

NEW SECTION. **Sec. 38.** Except for sections 6 and 8 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. **Sec. 39.** Section 6 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the

state government and its existing public institutions, and takes effect July 22, 2011.

**NEW SECTION. Sec. 40.** Section 8 of this act takes effect November 1, 2011.

Passed by the House May 25, 2011.

Passed by the Senate May 25, 2011.

Approved by the Governor June 15, 2011.

Filed in Office of Secretary of State June 15, 2011.

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## CHAPTER 37

[Engrossed House Bill 2123]

### WORKERS' COMPENSATION SYSTEM

AN ACT Relating to stabilizing workers' compensation premium rates and claim costs through the limited means of creating the stay-at-work program, suspending cost-of-living adjustments for fiscal year 2012 with no catch-up and delaying the initial adjustment, allowing claim resolution structured settlements for injured workers age fifty-five and older effective 2012, fifty-three and older effective 2015, and fifty and older effective 2016, adjusting pension benefits for prior permanent partial disability awards, eliminating the interest on permanent partial disability award schedules, providing safety and health investment grants, creating the industrial insurance rainy day fund, directing the department of labor and industries to increase its employer, worker, and provider fraud prevention efforts, requiring a performance audit by the joint legislative audit and review committee of workers' compensation claims management in the workers' compensation system to include self-insured claims, and studying occupational disease claims in the workers' compensation system; amending RCW 51.32.072, 51.32.075, 51.52.120, 51.32.080, 51.04.110, 51.44.100, and 43.79A.040; reenacting and amending RCW 51.32.090; adding new sections to chapter 51.04 RCW; adding a new section to chapter 49.17 RCW; adding a new section to chapter 51.44 RCW; creating new sections; providing an expiration date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION. Sec. 1.** The legislature finds that Washington state's workers' compensation system should be designed to focus on achieving the best outcomes for injured workers. The state must ensure that the workers' compensation system remains financially healthy in order to provide needed resources for injured workers. Further, the legislature recognizes that reducing the number and cost of long-term disability and pension claims, while strengthening safety programs; addressing workers' compensation system fraud by employers, workers, and providers; finding ways to improve claims management processes; studying occupational disease claims in the workers' compensation system; and establishing a fund for purposes of maintaining low, stable, and predictable premium rate increases are all key to ensuring productive worker outcomes and a financially sound system for Washington workers and employers.

### PART 1. CREATING THE WASHINGTON STAY-AT-WORK PROGRAM

**Sec. 101.** RCW 51.32.090 and 2007 c 284 s 3 and 2007 c 190 s 1 are each reenacted and amended to read as follows:

(1) When the total disability is only temporary, the schedule of payments contained in RCW 51.32.060 (1) and (2) shall apply, so long as the total disability continues.

(2) Any compensation payable under this section for children not in the custody of the injured worker as of the date of injury shall be payable only to such person as actually is providing the support for such child or children pursuant to the order of a court of record providing for support of such child or children.

(3)(a) As soon as recovery is so complete that the present earning power of the worker, at any kind of work, is restored to that existing at the time of the occurrence of the injury, the payments shall cease. If and so long as the present earning power is only partially restored, the payments shall:

(i) For claims for injuries that occurred before May 7, 1993, continue in the proportion which the new earning power shall bear to the old; or

(ii) For claims for injuries occurring on or after May 7, 1993, equal eighty percent of the actual difference between the worker's present wages and earning power at the time of injury, but: (A) The total of these payments and the worker's present wages may not exceed one hundred fifty percent of the average monthly wage in the state as computed under RCW 51.08.018; (B) the payments may not exceed one hundred percent of the entitlement as computed under subsection (1) of this section; and (C) the payments may not be less than the worker would have received if (a)(i) of this subsection had been applicable to the worker's claim.

(b) No compensation shall be payable under this subsection (3) unless the loss of earning power shall exceed five percent.

(c) The prior closure of the claim or the receipt of permanent partial disability benefits shall not affect the rate at which loss of earning power benefits are calculated upon reopening the claim.

(4)(a) The legislature finds that long-term disability and the cost of injuries is significantly reduced when injured workers remain at work following their injury. To encourage employers at the time of injury to provide light duty or transitional work for their workers, wage subsidies and other incentives are made available to employers insured with the department.

(b) Whenever the employer of injury requests that a worker who is entitled to temporary total disability under this chapter be certified by a physician or licensed advanced registered nurse practitioner as able to perform available work other than his or her usual work, the employer shall furnish to the physician or licensed advanced registered nurse practitioner, with a copy to the worker, a statement describing the work available with the employer of injury in terms that will enable the physician or licensed advanced registered nurse practitioner to relate the physical activities of the job to the worker's disability. The physician or licensed advanced registered nurse practitioner shall then determine whether the worker is physically able to perform the work described. The worker's temporary total disability payments shall continue until the worker is released by his or her physician or licensed advanced registered nurse practitioner for the work, and begins the work with the employer of injury. If the work thereafter comes to an end before the worker's recovery is sufficient in the judgment of his or her physician or licensed advanced registered nurse practitioner to permit him or her to return to his or her usual job, or to perform other available work offered by the employer of injury, the worker's temporary total disability payments shall be resumed. Should the available work described, once undertaken by the worker, impede his or her recovery to the extent that in the judgment of his or

her physician or licensed advanced registered nurse practitioner he or she should not continue to work, the worker's temporary total disability payments shall be resumed when the worker ceases such work.

~~((b))~~ (c) To further encourage employers to maintain the employment of their injured workers, an employer insured with the department and that offers work to a worker pursuant to this subsection (4) shall be eligible for reimbursement of the injured worker's wages for light duty or transitional work equal to fifty percent of the basic, gross wages paid for that work, for a maximum of sixty-six work days within a consecutive twenty-four month period. In no event may the wage subsidies paid to an employer on a claim exceed ten thousand dollars. Wage subsidies shall be calculated using the worker's basic hourly wages or basic salary, and no subsidy shall be paid for any other form of compensation or payment to the worker such as tips, commissions, bonuses, board, housing, fuel, health care, dental care, vision care, per diem, reimbursements for work-related expenses, or any other payments. An employer may not, under any circumstances, receive a wage subsidy for a day in which the worker did not actually perform any work, regardless of whether or not the employer paid the worker wages for that day.

(d) If an employer insured with the department offers a worker work pursuant to this subsection (4) and the worker must be provided with training or instruction to be qualified to perform the offered work, the employer shall be eligible for a reimbursement from the department for any tuition, books, fees, and materials required for that training or instruction, up to a maximum of one thousand dollars. Reimbursing an employer for the costs of such training or instruction does not constitute a determination by the department that the worker is eligible for vocational services authorized by RCW 51.32.095 and 51.32.099.

(e) If an employer insured with the department offers a worker work pursuant to this subsection (4), and the employer provides the worker with clothing that is necessary to allow the worker to perform the offered work, the employer shall be eligible for reimbursement for such clothing from the department, up to a maximum of four hundred dollars. However, an employer shall not receive reimbursement for any clothing it provided to the worker that it normally provides to its workers. The clothing purchased for the worker shall become the worker's property once the work comes to an end.

(f) If an employer insured with the department offers a worker work pursuant to this subsection (4) and the worker must be provided with tools or equipment to perform the offered work, the employer shall be eligible for a reimbursement from the department for such tools and equipment and related costs as determined by department rule, up to a maximum of two thousand five hundred dollars. An employer shall not be reimbursed for any tools or equipment purchased prior to offering the work to the worker pursuant to this subsection (4). An employer shall not be reimbursed for any tools or equipment that it normally provides to its workers. The tools and equipment shall be the property of the employer.

(g) An employer may offer work to a worker pursuant to this subsection (4) more than once, but in no event may the employer receive wage subsidies for more than sixty-six days of work in a consecutive twenty-four month period under one claim. An employer may continue to offer work pursuant to this

subsection (4) after the worker has performed sixty-six days of work, but the employer shall not be eligible to receive wage subsidies for such work.

(h) An employer shall not receive any wage subsidies or reimbursement of any expenses pursuant to this subsection (4) unless the employer has completed and submitted the reimbursement request on forms developed by the department, along with all related information required by department rules. No wage subsidy or reimbursement shall be paid to an employer who fails to submit a form for such payment within one year of the date the work was performed. In no event shall an employer receive wage subsidy payments or reimbursements of any expenses pursuant to this subsection (4) unless the worker's physician or licensed advanced registered nurse practitioner has restricted him or her from performing his or her usual work and the worker's physician or licensed advanced registered nurse practitioner has released him or her to perform the work offered.

(i) Payments made under (b) through (g) of this subsection are subject to penalties under RCW 51.32.240(5) in cases where the funds were obtained through willful misrepresentation.

(j) Once the worker returns to work under the terms of this subsection (4), he or she shall not be assigned by the employer to work other than the available work described without the worker's written consent, or without prior review and approval by the worker's physician or licensed advanced registered nurse practitioner. An employer who directs a claimant to perform work other than that approved by the attending physician and without the approval of the worker's physician or licensed advanced registered nurse practitioner shall not receive any wage subsidy or other reimbursements for such work.

~~((e))~~ (k) If the worker returns to work under this subsection (4), any employee health and welfare benefits that the worker was receiving at the time of injury shall continue or be resumed at the level provided at the time of injury. Such benefits shall not be continued or resumed if to do so is inconsistent with the terms of the benefit program, or with the terms of the collective bargaining agreement currently in force.

~~((d))~~ (l) In the event of any dispute as to the validity of the work offered or as to the worker's ability to perform the available work offered by the employer, the department shall make the final determination pursuant to an order that contains the notice required by RCW 51.52.060 and that is subject to appeal subject to RCW 51.52.050.

(5) An employer's experience rating shall not be affected by the employer's request for or receipt of wage subsidies.

(6) The department shall create a Washington stay-at-work account which shall be funded by assessments of employers insured through the state fund for the costs of the payments authorized by subsection (4) of this section and for the cost of creating a reserve for anticipated liabilities. Employers may collect up to one-half the fund assessment from workers.

(7) No worker shall receive compensation for or during the day on which injury was received or the three days following the same, unless his or her disability shall continue for a period of fourteen consecutive calendar days from date of injury: PROVIDED, That attempts to return to work in the first fourteen days following the injury shall not serve to break the continuity of the period of disability if the disability continues fourteen days after the injury occurs.



~~((6))~~ (8) Should a worker suffer a temporary total disability and should his or her employer at the time of the injury continue to pay him or her the wages which he or she was earning at the time of such injury, such injured worker shall not receive any payment provided in subsection (1) of this section during the period his or her employer shall so pay such wages: PROVIDED, That holiday pay, vacation pay, sick leave, or other similar benefits shall not be deemed to be payments by the employer for the purposes of this subsection.

~~((7))~~ (9) In no event shall the monthly payments provided in this section:

(a) Exceed the applicable percentage of the average monthly wage in the state as computed under the provisions of RCW 51.08.018 as follows:

AFTER	PERCENTAGE
June 30, 1993	105%
June 30, 1994	110%
June 30, 1995	115%
June 30, 1996	120%

(b) For dates of injury or disease manifestation after July 1, 2008, be less than fifteen percent of the average monthly wage in the state as computed under RCW 51.08.018 plus an additional ten dollars per month if the worker is married and an additional ten dollars per month for each child of the worker up to a maximum of five children. However, if the monthly payment computed under this subsection ~~((7))~~ (9)(b) is greater than one hundred percent of the wages of the worker as determined under RCW 51.08.178, the monthly payment due to the worker shall be equal to the greater of the monthly wages of the worker or the minimum benefit set forth in this section on June 30, 2008.

~~((8))~~ (10) If the supervisor of industrial insurance determines that the worker is voluntarily retired and is no longer attached to the workforce, benefits shall not be paid under this section.

(11) The department shall adopt rules as necessary to implement this section.

**PART 2. ONE-YEAR COST-OF-LIVING ADJUSTMENT  
FREEZE WITH NO CATCH-UP, AND  
DELAY IN FIRST COST-OF-LIVING ADJUSTMENTS**

**Sec. 201.** RCW 51.32.072 and 1987 c 185 s 34 are each amended to read as follows:

(1) Notwithstanding any other provision of law, every surviving spouse and every permanently totally disabled worker or temporarily totally disabled worker, if such worker was unmarried at the time of the worker's injury or was then married but the marriage was later terminated by judicial action, receiving a pension or compensation for temporary total disability under this title pursuant to compensation schedules in effect prior to July 1, 1971, shall after July 1, 1975, through June 30, 2011, be paid fifty percent of the average monthly wage in the state as computed under RCW 51.08.018 per month and an amount equal to five percent of such average monthly wage per month to such totally disabled worker if married at the time of the worker's injury and the marriage was not later terminated by judicial action, and an additional two percent of such average

monthly wage for each child of such totally disabled worker at the time of injury in the legal custody of such totally disabled worker or such surviving spouse up to a maximum of five such children. The monthly payments such surviving spouse or totally disabled worker are receiving pursuant to compensation schedules in effect prior to July 1, 1971 shall be deducted from the monthly payments above specified.

Where such a surviving spouse has remarried, or where any such child of such worker, whether living or deceased, is not in the legal custody of such worker or such surviving spouse there shall be paid for the benefit of and on account of each such child a sum equal to two percent of such average monthly wage up to a maximum of five such children in addition to any payments theretofore paid under compensation schedules in effect prior to July 1, 1971 for the benefit of and on account of each such child. In the case of any child or children of a deceased worker not leaving a surviving spouse or where the surviving spouse has later died, there shall be paid for the benefit of and on account of each such child a sum equal to two percent of such average monthly wage up to a maximum of five such children in addition to any payments theretofore paid under such schedules for the benefit of and on account of each such child.

If the character of the injury or occupational disease is such as to render the worker so physically helpless as to require the hiring of the services of an attendant, the department shall make monthly payments to such attendant for such services as long as such requirement continues but such payments shall not obtain or be operative while the worker is receiving care under or pursuant to the provisions of this title except for care granted at the discretion of the supervisor pursuant to RCW 51.36.010: PROVIDED, That such payments shall not be considered compensation nor shall they be subject to any limitation upon total compensation payments.

No part of such additional payments shall be payable from the accident fund.

The director shall pay monthly from the supplemental pension fund such an amount as will, when added to the compensation theretofore paid under compensation schedules in effect prior to July 1, 1971, equal the amounts hereinabove specified.

In cases where money has been or shall be advanced to any such person from the pension reserve, the additional amount to be paid under this section shall be reduced by the amount of monthly pension which was or is predicated upon such advanced portion of the pension reserve.

(2) In addition to the adjustment under subsection (1) of this section, further adjustments shall be made beginning July 1, 2012, and on each July 1st thereafter. The adjustment shall be the percentage change in the average monthly wage in the state under RCW 51.08.018 for the preceding calendar year, rounded to the nearest whole cent.

(3) Compensation due for July 1, 2011, through June 30, 2012, must be paid based on the average monthly wage in the state as computed under RCW 51.08.018 on July 1, 2010.

**Sec. 202.** RCW 51.32.075 and 1988 c 161 s 7 are each amended to read as follows:

The compensation or death benefits payable pursuant to the provisions of this chapter for temporary total disability, permanent total disability, or death arising out of injuries or occupational diseases shall be adjusted as follows:

(1) On July 1, 1982, there shall be an adjustment for those whose right to compensation was established on or after July 1, 1971, and before July 1, 1982. The adjustment shall be determined by multiplying the amount of compensation to which they are entitled by a fraction, the denominator of which shall be the average monthly wage in the state under RCW 51.08.018 for the fiscal year in which such person's right to compensation was established, and the numerator of which shall be the average monthly wage in the state under RCW 51.08.018 on July 1, 1982.

(2) In addition to the adjustment established by subsection (1) of this section, there shall be another adjustment on July 1, 1983, for those whose right to compensation was established on or after July 1, 1971, and before July 1983, which shall be determined by multiplying the amount of compensation to which they are entitled by a fraction, the denominator of which shall be the average monthly wage in the state under RCW 51.08.018 for the fiscal year in which such person's right to compensation was established, and the numerator of which shall be the average monthly wage in the state under RCW 51.08.018 on July 1, 1983.

(3) In addition to the adjustments under subsections (1) and (2) of this section, further adjustments shall be made beginning on July 1, 1984, and on each July 1st thereafter through July 1, 2010, for those whose right to compensation was established on or after July 1, 1971. The adjustment shall be determined by multiplying the amount of compensation to which they are entitled by a fraction, the denominator of which shall be the average monthly wage in the state under RCW 51.08.018 for the fiscal year in which such person's right to compensation was established, and the numerator of which shall be the average monthly wage in the state under RCW 51.08.018 on July 1st of the year in which the adjustment is being made. The department or self-insurer shall adjust the resulting compensation rate to the nearest whole cent, not to exceed the average monthly wage in the state as computed under RCW 51.08.018.

(4) In addition to the adjustments under subsections (1), (2), and (3) of this section, further adjustments shall be made beginning July 1, 2012, and on each July 1st thereafter for those whose right to compensation was established on or after July 1, 1971. The adjustment shall be the percentage change in the average monthly wage in the state under RCW 51.08.018 for the preceding calendar year, rounded to the nearest whole cent. For claims whose right to compensation was established on or after July 1, 2011, no adjustment shall be made under this subsection until the second July 1st following the date of injury or occupational disease manifestation.

### **PART 3. CLAIM RESOLUTION STRUCTURED SETTLEMENT AGREEMENTS**

NEW SECTION. Sec. 301. A new section is added to chapter 51.04 RCW to read as follows:

The legislature finds that Washington state's workers' compensation system should be designed to focus on achieving the best outcomes for injured workers. Further, the legislature recognizes that controlling pension costs is key to a financially sound workers' compensation system for employers and workers. To these ends, the legislature recognizes that certain workers would benefit from an option that allows them to initiate claim resolution structured settlements in order to pursue work or retirement goals independent of the system, provided that sufficient protections for injured workers are included.

**NEW SECTION. Sec. 302.** A new section is added to chapter 51.04 RCW to read as follows:

(1) Notwithstanding RCW 51.04.060 or any other provision of this title, beginning on January 1, 2012, an injured worker who is at least fifty-five years of age on or after January 1, 2012, fifty-three years of age on or after January 1, 2015, or fifty years of age on or after January 1, 2016, may choose from the following: (a) To continue to receive all benefits for which they are eligible under this title, (b) to participate in vocational training if eligible, or (c) to initiate and agree to a resolution of their claim with a structured settlement.

(2)(a) As provided in this section, the parties to an allowed claim may initiate and agree to resolve a claim with a structured settlement for all benefits other than medical. Parties as defined in (b) of this subsection may only initiate claim resolution structured settlements if at least one hundred eighty days have passed since the claim was received by the department or self-insurer and the order allowing the claim is final and binding. All requirements of this title regarding entitlement to and payment of benefits will apply during this period. All claim resolution structured settlement agreements must be approved by the board of industrial insurance appeals.

(b) For purposes of this section, "parties" means:

(i) For a state fund claim, the worker, the employer, and the department. The employer will not be a party if the costs of the claim or claims are no longer included in the calculation of the employer's experience factor used to determine premiums, if they cannot be located, are no longer in business, or they fail to respond or decline to participate after timely notice of the claim resolution settlement process provided by the board and the department.

(ii) For a self-insured claim, the worker and the employer.

(c) The claim resolution structured settlement agreements shall:

(i) Bind the parties with regard to all aspects of a claim except medical benefits unless revoked by one of the parties as provided in subsection (6) of this section;

(ii) Provide a periodic payment schedule to the worker equal to at least twenty-five percent but not more than one hundred fifty percent of the average monthly wage in the state pursuant to RCW 51.08.018, except for the initial payment which may be up to six times the average monthly wage in the state pursuant to RCW 51.08.018;

(iii) Not set aside or reverse an allowance order;

(iv) Not subject any employer who is not a signatory to the agreement to any responsibility or burden under any claim; and

(v) Not subject any funds covered under this title to any responsibility or burden without prior approval from the director or designee.

(d) For state fund claims, the department shall negotiate the claim resolution structured settlement agreement with the worker or their representative and with the employer or employers and their representative or representatives.

(e) For self-insured claims, the self-insured employer shall negotiate the agreement with the worker or their representative. Workers of self-insured employers who are unrepresented may request that the office of the ombudsman for self-insured injured workers provide assistance or be present during negotiations.

(f) Terms of the agreement may include the parties' agreement that the claim shall remain open for future necessary medical or surgical treatment related to the injury where there is a reasonable expectation such treatment is necessary. The parties may also agree that specific future treatment shall be provided without the application required in RCW 51.32.160.

(g) Any claim resolution structured settlement agreement entered into under this section must be in writing and signed by the parties or their representatives and must clearly state that the parties understand and agree to the terms of the agreement.

(h) If a worker is not represented by an attorney at the time of signing a claim resolution structured settlement agreement, the parties must forward a copy of the signed agreement to the board with a request for a conference with an industrial appeals judge. The industrial appeals judge must schedule a conference with all parties within fourteen days for the purpose of (i) reviewing the terms of the proposed settlement agreement by the parties; and (ii) ensuring the worker has an understanding of the benefits generally available under this title and that a claim resolution structured settlement agreement may alter the benefits payable on the claim or claims. The judge may schedule the initial conference for a later date with the consent of the parties.

(i) Before approving the agreement, the industrial appeals judge shall ensure the worker has an adequate understanding of the agreement and its consequences to the worker.

(j) The industrial appeals judge may approve a claim resolution structured settlement agreement only if the judge finds that the agreement is in the best interest of the worker. When determining whether the agreement is in the best interest of the worker, the industrial appeals judge shall consider the following factors, taken as a whole, with no individual factor being determinative:

(i) The nature and extent of the injuries and disabilities of the worker;

(ii) The age and life expectancy of the injured worker;

(iii) Other benefits the injured worker is receiving or is entitled to receive and the effect a claim resolution structured settlement agreement might have on those benefits; and

(iv) The marital or domestic partnership status of the injured worker.

(k) Within seven days after the conference, the industrial appeals judge shall issue an order allowing or rejecting the claim resolution structured settlement agreement. There is no appeal from the industrial appeals judge's decision.

(l) If the industrial appeals judge issues an order allowing the claim resolution structured settlement agreement, the order must be submitted to the board.

(3) Upon receiving the agreement, the board shall approve it within thirty working days of receipt unless it finds that:

(a) The parties have not entered into the agreement knowingly and willingly;

(b) The agreement does not meet the requirements of a claim resolution structured settlement agreement;

(c) The agreement is the result of a material misrepresentation of law or fact;

(d) The agreement is the result of harassment or coercion; or

(e) The agreement is unreasonable as a matter of law.

(4) If a worker is represented by an attorney at the time of signing a claim resolution structured settlement agreement, the parties shall submit the agreement directly to the board without the conference described in this section.

(5) If the board approves the agreement, it shall provide notice to all parties. The department shall place the agreement in the applicable claim file or files.

(6) A party may revoke consent to the claim resolution structured settlement agreement by providing written notice to the other parties and the board within thirty days after the date the agreement is approved by the board.

(7) To the extent the worker is entitled to any benefits while a claim resolution structured settlement agreement is being negotiated or during the revocation period of an agreement, the benefits must be paid pursuant to the requirements of this title until the agreement becomes final.

(8) A claim resolution structured settlement agreement that meets the conditions in this section and that has become final and binding as provided in this section is binding on all parties to the agreement as to its terms and the injuries and occupational diseases to which the agreement applies. A claim resolution structured settlement agreement that has become final and binding is not subject to appeal.

(9) All payments made to a worker pursuant to a final claim resolution structured settlement agreement must be reported to the department as claims costs pursuant to this title. If a self-insured employer contracts with a third-party administrator for claim services and the payment of benefits under this title, the third-party administrator shall also disburse the structured settlement payments pursuant to the agreement.

(10) Claims closed pursuant to a claim resolution structured settlement agreement can be reopened pursuant to RCW 51.32.160 for medical treatment only. Further temporary total, temporary partial, permanent partial, or permanent total benefits are not payable under the same claim or claims for which a claim resolution structured settlement agreement has been approved by the board and has become final.

(11) Parties aggrieved by the failure of any other party to comply with the terms of a claim resolution structured settlement agreement have one year from the date of failure to comply to petition to the board. If the board determines that a party has failed to comply with an agreement, they will order compliance and will impose a penalty payable to the aggrieved party of up to twenty-five percent of the monetary amount unpaid at the time the petition for noncompliance was filed. The board will also decide on any disputes as to attorneys' fees for services related to claim resolution structured settlement agreements.

(12) Parties and their representatives may not use settlement offers or the claim resolution structured settlement agreement process to harass or coerce any party. If the department determines that an employer has engaged in a pattern of

harassment or coercion, the employer may be subject to penalty or corrective action, and may be removed from the retrospective rating program or be decertified from self-insurance under RCW 51.14.030.

**NEW SECTION. Sec. 303.** A new section is added to chapter 51.04 RCW to read as follows:

The department must maintain copies of all claim resolution structured settlement agreements entered into between the parties and furnish copies of such agreements to any party actively negotiating a subsequent claim resolution structured settlement agreement with the worker on any allowed claim when requested. An employer may not consider a prior agreement when making a decision about hiring or the terms or conditions of employment.

**Sec. 304.** RCW 51.52.120 and 2007 c 490 s 3 are each amended to read as follows:

(1) Except for claim resolution structured settlement agreements, it shall be unlawful for an attorney engaged in the representation of any worker or beneficiary to charge for services in the department any fee in excess of a reasonable fee, of not more than thirty percent of the increase in the award secured by the attorney's services. Such reasonable fee shall be fixed by the director or the director's designee for services performed by an attorney for such worker or beneficiary, if written application therefor is made by the attorney, worker, or beneficiary within one year from the date the final decision and order of the department is communicated to the party making the application.

(2) If, on appeal to the board, the order, decision, or award of the department is reversed or modified and additional relief is granted to a worker or beneficiary, or in cases where a party other than the worker or beneficiary is the appealing party and the worker's or beneficiary's right to relief is sustained by the board, the board shall fix a reasonable fee for the services of his or her attorney in proceedings before the board if written application therefor is made by the attorney, worker, or beneficiary within one year from the date the final decision and order of the board is communicated to the party making the application. In fixing the amount of such attorney's fee, the board shall take into consideration the fee allowed, if any, by the director, for services before the department, and the board may review the fee fixed by the director. Any attorney's fee set by the department or the board may be reviewed by the superior court upon application of such attorney, worker, or beneficiary. The department or self-insured employer, as the case may be, shall be served a copy of the application and shall be entitled to appear and take part in the proceedings. Where the board, pursuant to this section, fixes the attorney's fee, it shall be unlawful for an attorney to charge or receive any fee for services before the board in excess of that fee fixed by the board.

(3) For claim resolution structured settlement agreements, fees for attorney services are limited to fifteen percent of the total amount to be paid to the worker after the agreement becomes final. The board will also decide on any disputes as to attorneys' fees for services related to claim resolution structured settlement agreements consistent with the procedures in subsection (2) of this section.

(4) In an appeal to the board involving the presumption established under RCW 51.32.185, the attorney's fee shall be payable as set forth under RCW 51.32.185.

((4)) (5) Any person who violates this section is guilty of a misdemeanor.

**NEW SECTION. Sec. 305.** The department of labor and industries and the board of industrial insurance appeals shall adopt rules as necessary to implement sections 302 and 303 of this act.

**NEW SECTION. Sec. 306.** A new section is added to chapter 51.04 RCW to read as follows:

On December 1, 2011, and annually thereafter through December 1, 2014, the department shall report annually to the appropriate committees of the legislature on the implementation of claim resolution structured settlement agreements. In calendar years 2015, 2019, and 2023, the department shall contract for an independent study of claim resolution structured settlement agreements approved by the board under this section. The study must be performed by a researcher with experience in workers' compensation issues. When selecting the independent researcher, the department shall consult with the workers' compensation advisory committee. The study must evaluate the quality and effectiveness of structured settlement agreements of state fund and self-insured claims, provide information on the impact of these agreements to the state fund and to self-insured employers, and evaluate the outcomes of workers who have resolved their claims through the claim resolution structured settlement agreement process. The study must be submitted to the appropriate committees of the legislature.

**PART 4. DEDUCTING PRIOR PERMANENT PARTIAL DISABILITY AWARDS FROM PENSIONS, AND ELIMINATING INTEREST ON UNPAID PERMANENT PARTIAL DISABILITY BENEFITS**

**Sec. 401.** RCW 51.32.080 and 2007 c 172 s 1 are each amended to read as follows:

(1)(a) Until July 1, 1993, for the permanent partial disabilities here specifically described, the injured worker shall receive compensation as follows:

**LOSS BY AMPUTATION**

Of leg above the knee joint with short thigh stump (3" or less below the tuberosity of ischium) . . . . .	\$54,000.00
Of leg at or above knee joint with functional stump . . . . .	48,600.00
Of leg below knee joint . . . . .	43,200.00
Of leg at ankle (Syme) . . . . .	37,800.00
Of foot at mid-metatarsals . . . . .	18,900.00
Of great toe with resection of metatarsal bone . . . . .	11,340.00
Of great toe at metatarsophalangeal joint . . . . .	6,804.00
Of great toe at interphalangeal joint . . . . .	3,600.00
Of lesser toe (2nd to 5th) with resection of metatarsal bone . . . . .	4,140.00



Of lesser toe at metatarsophalangeal joint. . . . .	2,016.00
Of lesser toe at proximal interphalangeal joint. . . . .	1,494.00
Of lesser toe at distal interphalangeal joint. . . . .	378.00
Of arm at or above the deltoid insertion or by disarticulation at the shoulder . . . .	54,000.00
Of arm at any point from below the deltoid insertion to below the elbow joint at the insertion of the biceps tendon. . . .	51,300.00
Of arm at any point from below the elbow joint distal to the insertion of the biceps tendon to and including mid-metacarpal amputation of the hand . . . . .	48,600.00
Of all fingers except the thumb at metacarpophalangeal joints . . . . .	29,160.00
Of thumb at metacarpophalangeal joint or with resection of carpometacarpal bone . . . . .	19,440.00
Of thumb at interphalangeal joint . . . . .	9,720.00
Of index finger at metacarpophalangeal joint or with resection of metacarpal bone . . . . .	12,150.00
Of index finger at proximal interphalangeal joint. . . . .	9,720.00
Of index finger at distal interphalangeal joint. . . . .	5,346.00
Of middle finger at metacarpophalangeal joint or with resection of metacarpal bone . . . . .	9,720.00
Of middle finger at proximal interphalangeal joint. . . . .	7,776.00
Of middle finger at distal interphalangeal joint. . . . .	4,374.00
Of ring finger at metacarpophalangeal joint or with resection of metacarpal bone . . . . .	4,860.00
Of ring finger at proximal interphalangeal joint. . . . .	3,888.00
Of ring finger at distal interphalangeal joint. . . . .	2,430.00

Of little finger at metacarpophalangeal joint or with resection of metacarpal bone . . . . .	2,430.00
Of little finger at proximal interphalangeal joint . . . . .	1,944.00
Of little finger at distal interphalangeal joint . . . . .	972.00

MISCELLANEOUS

Loss of one eye by enucleation . . . . .	21,600.00
Loss of central visual acuity in one eye . . .	18,000.00
Complete loss of hearing in both ears . . . .	43,200.00
Complete loss of hearing in one ear . . . . .	7,200.00

(b) Beginning on July 1, 1993, compensation under this subsection shall be computed as follows:

(i) Beginning on July 1, 1993, the compensation amounts for the specified disabilities listed in (a) of this subsection shall be increased by thirty-two percent; and

(ii) Beginning on July 1, 1994, and each July 1 thereafter, the compensation amounts for the specified disabilities listed in (a) of this subsection, as adjusted under (b)(i) of this subsection, shall be readjusted to reflect the percentage change in the consumer price index, calculated as follows: The index for the calendar year preceding the year in which the July calculation is made, to be known as "calendar year A," is divided by the index for the calendar year preceding calendar year A, and the resulting ratio is multiplied by the compensation amount in effect on June 30 immediately preceding the July 1st on which the respective calculation is made. For the purposes of this subsection, "index" means the same as the definition in RCW 2.12.037(1).

(2) Compensation for amputation of a member or part thereof at a site other than those specified in subsection (1) of this section, and for loss of central visual acuity and loss of hearing other than complete, shall be in proportion to that which such other amputation or partial loss of visual acuity or hearing most closely resembles and approximates. Compensation shall be calculated based on the adjusted schedule of compensation in effect for the respective time period as prescribed in subsection (1) of this section.

(3)(a) Compensation for any other permanent partial disability not involving amputation shall be in the proportion which the extent of such other disability, called unspecified disability, shall bear to the disabilities specified in subsection (1) of this section, which most closely resembles and approximates in degree of disability such other disability, and compensation for any other unspecified permanent partial disability shall be in an amount as measured and compared to total bodily impairment. To reduce litigation and establish more certainty and uniformity in the rating of unspecified permanent partial disabilities, the department shall enact rules having the force of law classifying such disabilities in the proportion which the department shall determine such disabilities reasonably bear to total bodily impairment. In enacting such rules, the department shall give consideration to, but need not necessarily adopt, any

nationally recognized medical standards or guides for determining various bodily impairments.

(b) Until July 1, 1993, for purposes of calculating monetary benefits under (a) of this subsection, the amount payable for total bodily impairment shall be deemed to be ninety thousand dollars. Beginning on July 1, 1993, for purposes of calculating monetary benefits under (a) of this subsection, the amount payable for total bodily impairment shall be adjusted as follows:

(i) Beginning on July 1, 1993, the amount payable for total bodily impairment under this section shall be increased to one hundred eighteen thousand eight hundred dollars; and

(ii) Beginning on July 1, 1994, and each July 1 thereafter, the amount payable for total bodily impairment prescribed in (b)(i) of this subsection shall be adjusted as provided in subsection (1)(b)(ii) of this section.

(c) Until July 1, 1993, the total compensation for all unspecified permanent partial disabilities resulting from the same injury shall not exceed the sum of ninety thousand dollars. Beginning on July 1, 1993, total compensation for all unspecified permanent partial disabilities resulting from the same injury shall not exceed a sum calculated as follows:

(i) Beginning on July 1, 1993, the sum shall be increased to one hundred eighteen thousand eight hundred dollars; and

(ii) Beginning on July 1, 1994, and each July 1 thereafter, the sum prescribed in (b)(i) of this subsection shall be adjusted as provided in subsection (1)(b)(ii) of this section.

(4) If permanent partial disability compensation is followed by permanent total disability compensation, ~~((any portion of the permanent partial disability compensation which exceeds the amount that would have been paid the injured worker if permanent total disability compensation had been paid in the first instance))~~ all permanent partial disability compensation paid to the worker under the claim or claims for which total permanent disability compensation is awarded shall be, at the choosing of the injured worker, either: (a) Deducted from the worker's monthly pension benefits ((in an amount not to exceed twenty-five percent of the monthly amount due from the department or self-insurer or one-sixth of the total overpayment, whichever is less)) until the total award or awards paid are recovered; or (b) deducted from the pension reserve of such injured worker and his or her monthly compensation payments shall be reduced accordingly. Any interest paid on any permanent partial disability compensation may not be deducted from the pension benefits or pension reserve. The provisions of this subsection apply to all permanent total disability determinations issued on or after July 1, 2011.

(5) Should a worker receive an injury to a member or part of his or her body already, from whatever cause, permanently partially disabled, resulting in the amputation thereof or in an aggravation or increase in such permanent partial disability but not resulting in the permanent total disability of such worker, his or her compensation for such partial disability shall be adjudged with regard to the previous disability of the injured member or part and the degree or extent of the aggravation or increase of disability thereof.

(6) When the compensation provided for in subsections (1) through (3) of this section exceeds three times the average monthly wage in the state as computed under the provisions of RCW 51.08.018, payment shall be made in

monthly payments in accordance with the schedule of temporary total disability payments set forth in RCW 51.32.090 until such compensation is paid to the injured worker in full, except that the first monthly payment shall be in an amount equal to three times the average monthly wage in the state as computed under the provisions of RCW 51.08.018(~~(, and interest shall be paid at the rate of eight percent on the unpaid balance of such compensation commencing with the second monthly payment. However;))~~). Upon application of the injured worker or survivor the monthly payment may be converted, in whole or in part, into a lump sum payment, in which event the monthly payment shall cease in whole or in part. Such conversion may be made only upon written application of the injured worker or survivor to the department and shall rest in the discretion of the department depending upon the merits of each individual application. Upon the death of a worker all unpaid installments accrued shall be paid according to the payment schedule established prior to the death of the worker to the widow or widower, or if there is no widow or widower surviving, to the dependent children of such claimant, and if there are no such dependent children, then to such other dependents as defined by this title.

(7) Awards payable under this section are governed by the schedule in effect on the date of injury.

#### **PART 5. SAFETY AND HEALTH INVESTMENT GRANTS**

NEW SECTION. Sec. 501. A new section is added to chapter 49.17 RCW to read as follows:

(1) The director is authorized to provide funding from the medical aid fund established under RCW 51.44.020, by grant or contract, for safety and health investment projects for workplaces insured for workers' compensation through the department's state fund. This shall include projects to: Prevent workplace injuries, illnesses, and fatalities; create early return-to-work programs; and reduce long-term disability through the cooperation of employers and employees or their representatives.

(2) Awards may be granted to organizations such as, but not limited to, trade associations, business associations, employers, employees, labor unions, employee organizations, joint labor and management groups, and educational institutions in collaboration with state fund employer and employee representatives.

(3) Awards may not be used for lobbying or political activities; supporting, opposing, or developing legislative or regulatory initiatives; any activity not designed to reduce workplace injuries, illnesses, or fatalities; or reimbursing employers for the normal costs of complying with safety and health rules.

(4) Funds for awards shall be distributed as follows: At least twenty-five percent for projects designed to develop and implement innovative and effective return-to-work programs for injured workers; at least twenty-five percent for projects that specifically address the needs of small businesses; and at least fifty percent for projects that foster workplace injury and illness prevention by addressing priorities identified by the department in cooperation with the Washington industrial safety and health act advisory committee and the workers' compensation advisory committee.

(5) The department shall adopt rules as necessary to implement this section.

**Sec. 502.** RCW 51.04.110 and 2010 c 8 s 14001 are each amended to read as follows:

The director shall appoint a workers' compensation advisory committee composed of ten members: Three representing subject workers, three representing subject employers, one representing self-insurers, one representing workers of self-insurers, and two ex officio members, without a vote, one of whom shall be the chair of the board of industrial appeals and the other the representative of the department. The member representing the department shall be chair. This committee shall conduct a continuing study of any aspects of workers' compensation as the committee shall determine require their consideration and shall assist in the identification of priorities for safety and health investment projects as provided in chapter 49.17 RCW. The committee shall report its findings to the department or the board of industrial insurance appeals for such action as deemed appropriate. The members of the committee shall be appointed for a term of three years commencing on July 1, 1971 and the terms of the members representing the workers and employers shall be staggered so that the director shall designate one member from each such group initially appointed whose term shall expire on June 30, 1972 and one member from each such group whose term shall expire on June 30, 1973. The members shall serve without compensation, but shall be entitled to travel expenses as provided in RCW 43.03.050 and 43.03.060 (~~as now existing or hereafter amended~~). The committee may hire such experts, if any, as it shall require to discharge its duties, and may utilize such personnel and facilities of the department and board of industrial insurance appeals as it shall need without charge. All expenses of this committee shall be paid by the department.

#### **PART 6. INDUSTRIAL INSURANCE RAINY DAY FUND**

NEW SECTION. **Sec. 601.** A new section is added to chapter 51.44 RCW to read as follows:

(1) There shall be, in the custody of the state treasurer, a fund to be known and designated as the industrial insurance rainy day fund.

(2) The director shall be the administrator of the fund, may transfer moneys into and out of the fund only as authorized by this section, and shall separately account for moneys in the fund from the accident and medical aid funds. The assets of this fund shall not be used for any purposes other than meeting the obligations of this title.

(3) Before proposing premium rates as provided in RCW 51.16.035, the director shall determine whether the assets of the accident and medical aid funds combined are at least ten percent but not more than thirty percent in excess of its funded liabilities, and if so transfer any excess to the industrial insurance rainy day fund, unless doing so would:

(a) Threaten the department's ability to meet the obligations of this title;

(b) Result in total assets of the rainy day fund combined with the assets of the accident and medical aid funds to exceed thirty percent of the accident and medical aid funds' liabilities.

(4) The workers' compensation advisory committee shall create a finance subcommittee made up of six members, three of whom shall represent business, and three of whom shall represent workers. The director or director's designee

shall chair the committee. The committee shall provide recommendations for any changes to subsection (3)(b) of this section to the appropriate committees of the legislature by December 1, 2011.

(5) When adopting premium rates, the director may transfer moneys from the industrial insurance rainy day fund into the accident fund or medical aid fund upon finding that the transfer is necessary to reduce a rate increase or aid businesses in recovering from or during economic recessions. The director may also transfer moneys from this fund at any time liabilities increase so that total liabilities exceed assets of the accident fund, medical aid fund, or both.

(6) Notwithstanding chapter 51.52 RCW, the director's decisions regarding transfers into and out of the industrial insurance rainy day fund are not reviewable by any court or tribunal, but must be announced as part of the rule-making process for setting premium rates, and must be part of the department's rule-making file required by chapter 34.05 RCW.

**Sec. 602.** RCW 51.44.100 and 1990 c 80 s 1 are each amended to read as follows:

Whenever, in the judgment of the state investment board, there shall be in the accident fund, medical aid fund, reserve fund, industrial insurance rainy day fund, or the supplemental pension fund, funds in excess of that amount deemed by the state investment board to be sufficient to meet the current expenditures properly payable therefrom, the state investment board may invest and reinvest such excess funds in the manner prescribed by RCW 43.84.150, and not otherwise.

The state investment board may give consideration to the investment of excess funds in federally insured student loans made to persons in vocational training or retraining or reeducation programs. The state investment board may make such investments by purchasing from savings and loan associations, commercial banks, mutual savings banks, credit unions and other institutions authorized to be lenders under the federally insured student loan act, organized under federal or state law and operating in this state loans made by such institutions to residents of the state of Washington particularly for the purpose of vocational training or reeducation: PROVIDED, That the state investment board shall purchase only that portion of any loan which is guaranteed or insured by the United States of America, or by any agency or instrumentality of the United States of America: PROVIDED FURTHER, That the state investment board is authorized to enter into contracts with such savings and loan associations, commercial banks, mutual savings banks, credit unions, and other institutions authorized to be lenders under the federally insured student loan act to service loans purchased pursuant to this section at an agreed upon contract price.

**Sec. 603.** RCW 43.79A.040 and 2011 c 274 s 4 are each amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury, and may be commingled with moneys in the state treasury for cash management and cash balance purposes.

(2) All income received from investment of the treasurer's trust fund must be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments must occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer must distribute the earnings credited to the investment income account to the state general fund except under (b), (c), and (d) of this subsection.

(b) The following accounts and funds must receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington promise scholarship account, the college savings program account, the Washington advanced college tuition payment program account, the accessible communities account, the community and technical college innovation account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the students with dependents grant account, the basic health plan self-insurance reserve account, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the county enhanced 911 excise tax account, the Washington international exchange scholarship endowment fund, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the fair fund, the family leave insurance account, the food animal veterinarian conditional scholarship account, the fruit and vegetable inspection account, the future teachers conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the Washington global health technologies and product development account, the grain inspection revolving fund, the industrial insurance rainy day fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the pilotage account, the produce railcar pool account, the regional transportation investment district account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the sulfur dioxide abatement account, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account (earnings from the Washington horse racing commission operating account must be credited to the Washington horse racing commission class C purse fund account), the life sciences discovery fund, the Washington state heritage center account, the reduced cigarette ignition propensity account, and the reading achievement account.

(c) The following accounts and funds must receive eighty percent of their proportionate share of earnings based upon each account's or fund's average

daily balance for the period: The advanced right-of-way revolving fund, the advanced environmental mitigation revolving account, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(d) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the custody of the state treasurer that deposits funds into a fund or account in the custody of the state treasurer pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

#### **PART 7. INITIATIVE TO ADDRESS WORKER, EMPLOYER, AND PROVIDER FRAUD**

NEW SECTION. Sec. 701. A new section is added to chapter 51.04 RCW to read as follows:

(1) The legislature finds that the department is successfully addressing employer fraud and the underground economy, helping ensure that employers who appropriately report and pay premiums can be competitive. Efforts focus on prevention, education, and enforcement by identifying industries for targeted audits, informing industry members and providing the opportunity for voluntary compliance, and ultimately identifying employers for audit based on proven criteria.

(2) To ensure the appropriate use of workers' compensation funds, the legislature directs the department of labor and industries to continue applying these proven best practices to employer fraud and to apply the same best practices to address instances of worker and provider fraud, including but not limited to:

(a) Participating in a national information exchange with other workers' compensation insurers to avoid duplication of claims and benefits;

(b) Increasing public awareness of employer, worker, and provider fraud issues and how to report suspected fraud;

(c) Establishing criteria for the periodic review of total permanent disability pension recipients including their level of disability and physical activity to determine whether they can be gainfully employed; and

(d) Identifying provider billing patterns to target potentially abusive practices.

(3) The provisions of RCW 51.28.070 shall not be a barrier to the department's participation in a national information exchange as required in subsection (2)(a) of this section.

(4) The department's activities must include approaches to prevent, educate, and ensure compliance by providers, employers, and workers. The department shall provide a report to the governor and the appropriate legislative committees by December 1, 2012, that describes the agency's efforts and outcomes and



makes recommendations for statutory changes to address barriers for successfully addressing provider, employer, and worker fraud.

#### **PART 8. PERFORMANCE AUDIT OF THE WORKERS' COMPENSATION CLAIMS MANAGEMENT SYSTEM**

**NEW SECTION. Sec. 801.** A new section is added to chapter 51.04 RCW to read as follows:

(1) The joint legislative audit and review committee, in consultation with the department of labor and industries and the workers' compensation advisory committee, shall conduct a performance audit of the workers' compensation claims management system, including self-insured claims. The joint legislative audit and review committee may contract with an independent expert in workers' compensation claims management to assist with the audit.

(2) The audit shall:

(a) Evaluate the extent to which the department: (i) Makes fair and timely decisions, and resolves complaints and disputes in a timely, fair, and effective manner; and (ii) communicates with employers and workers in a timely, responsive, and accurate manner, including communication about review and appeal rights, and including the use of plain language and sufficient opportunities for face-to-face meetings;

(b) Determine if current claims management organization and service delivery models are the most efficient available; analyze organization and delivery for retrospective rating plan participants as compared to nonparticipants to identify differences and how those differences influence retrospective rating plan refunds; and determine whether current initiatives improve service delivery, meet the needs of current and future workers and employers, improve public education and outreach, and are otherwise measurable; and

(c) Make recommendations regarding administrative changes that should be made to improve efficiency while maintaining high levels of quality service to help address system costs, and any needed legislative changes to implement the recommendations.

(3) The joint legislative audit and review committee shall submit progress reports by December 1, 2012, and December 1, 2013, and the results of the audit by June 30, 2015, to the appropriate committees of the legislature.

(4) This section expires December 31, 2015.

#### **PART 9. OCCUPATIONAL DISEASE STUDY**

**NEW SECTION. Sec. 901.** The department of labor and industries shall contract with an independent entity with research experience in workers' compensation issues to study occupational disease claims in the Washington workers' compensation system. When selecting the independent researcher, the department shall consult with the workers' compensation advisory committee. The workers' compensation advisory committee shall recommend to the department the independent researcher to conduct the study. The study shall include, but not be limited to, an examination of the frequency and severity of occupational disease claims for state fund and self-insured employers; the impact of these claims on long-term disability and pension trends; the statutory definition of occupational disease and its interpretation and comparison to

definitions in other states and jurisdictions; and comparison of the statute of limitations for filing occupational disease claims for Washington and other states and jurisdictions. The study must be submitted to the appropriate committees of the legislature by December 1, 2012.

#### PART 10. SEVERABILITY

NEW SECTION. Sec. 1001. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

#### PART 11. EFFECTIVE DATE

NEW SECTION. Sec. 1101. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Passed by the House May 23, 2011.

Passed by the Senate May 23, 2011.

Approved by the Governor June 15, 2011.

Filed in Office of Secretary of State June 15, 2011.

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### CHAPTER 38

[Engrossed Substitute Senate Bill 5834]

#### LODGING TAXES—ARTS, CULTURE, HERITAGE, TOURISM, HOUSING PROGRAMS

AN ACT Relating to permitting counties to direct an existing portion of local lodging taxes to programs for arts, culture, heritage, tourism, and housing; and amending RCW 67.28.180, 36.38.010, and 36.100.220.

Be it enacted by the Legislature of the State of Washington:

**Sec. 1.** RCW 67.28.180 and 2010 1st sp.s. c 26 s 8 are each amended to read as follows:

(1) Subject to the conditions set forth in subsections (2) and (3) of this section, the legislative body of any county or any city, is authorized to levy and collect a special excise tax of not to exceed two percent on the sale of or charge made for the furnishing of lodging that is subject to tax under chapter 82.08 RCW.

(2) Any levy authorized by this section (~~shall be~~) is subject to the following:

(a) Any county ordinance or resolution adopted pursuant to this section (~~shall~~) must contain, in addition to all other provisions required to conform to this chapter, a provision allowing a credit against the county tax for the full amount of any city tax imposed pursuant to this section upon the same taxable event.

(b)(i) In the event that any county has levied the tax authorized by this section and has, prior to June 26, 1975, either pledged the tax revenues for payment of principal and interest on city revenue or general obligation bonds authorized and issued pursuant to RCW 67.28.150 through 67.28.160 or has authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160, such county (~~shall be~~) is

exempt from the provisions of (a) of this subsection, to the extent that the tax revenues are pledged for payment of principal and interest on bonds issued at any time pursuant to the provisions of RCW 67.28.150 through 67.28.160(~~(= PROVIDED, That)~~). However, so much of such pledged tax revenues, together with any investment earnings thereon, not immediately necessary for actual payment of principal and interest on such bonds may be used: ~~((=))~~ (A) In any county with a population of one million five hundred thousand or more, for repayment either of limited tax levy general obligation bonds or of any county fund or account from which a loan was made, the proceeds from the bonds or loan being used to pay for constructing, installing, improving, and equipping stadium capital improvement projects, and to pay for any engineering, planning, financial, legal and professional services incident to the development of such stadium capital improvement projects, regardless of the date the debt for such capital improvement projects was or may be incurred; ~~((=))~~ (B) in any county with a population of one million five hundred thousand or more, for repayment or refinancing of bonded indebtedness incurred prior to January 1, 1997, for any purpose authorized by this section or relating to stadium repairs or rehabilitation, including but not limited to the cost of settling legal claims, reimbursing operating funds, interest payments on short-term loans, and any other purpose for which such debt has been incurred if the county has created a public stadium authority to develop a stadium and exhibition center under RCW 36.102.030; or ~~((=))~~ (C) in other counties, for county-owned facilities for agricultural promotion until January 1, 2009, and thereafter for any purpose authorized in this chapter.

(ii) A county is exempt under this subsection with respect to city revenue or general obligation bonds issued after April 1, 1991, only if such bonds mature before January 1, 2013. If any county located east of the crest of the Cascade mountains has levied the tax authorized by this section and has, prior to June 26, 1975, pledged the tax revenue for payment of principal and interest on city revenue or general obligation bonds, the county is exempt under this subsection with respect to revenue or general obligation bonds issued after January 1, 2007, only if the bonds mature before January 1, ~~((2021))~~ 2035. Such a county may only use funds under this subsection (2)(b) for constructing or improving facilities authorized under this chapter, including county-owned facilities for agricultural promotion(~~(, and must perform an annual financial audit of organizations receiving funding on the use of the funds)~~).

(iii) As used in this subsection (2)(b), "capital improvement projects" may include, but not be limited to a stadium restaurant facility, restroom facilities, artificial turf system, seating facilities, parking facilities and scoreboard and information system adjacent to or within a county owned stadium, together with equipment, utilities, accessories and appurtenances necessary thereto. The stadium restaurant authorized by this subsection (2)(b) ~~((shall))~~ must be operated by a private concessionaire under a contract with the county.

(c)(i) No city within a county exempt under ~~((subsection (2))~~(b) of this subsection may levy the tax authorized by this section so long as said county is so exempt.

(ii) ~~((If bonds have been issued under RCW 43.99N.020 and any necessary property transfers have been made under RCW 36.102.100;))~~ No city within a

county with a population of one million five hundred thousand or more may levy the tax authorized by this section ~~((before January 1, 2021))~~.

(iii) However, in the event that any city in a county described in ~~(c)~~(i) or (ii) of this subsection ~~(2)~~~~((e))~~ has levied the tax authorized by this section and has, prior to June 26, 1975, authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160, such city may levy the tax so long as the tax revenues are pledged for payment of principal and interest on bonds issued at any time pursuant to the provisions of RCW 67.28.150 through 67.28.160.

(3) Any levy authorized by this section by a county that has ~~((levied the tax authorized by this section and has, prior to June 26, 1975, either pledged the tax revenues for payment of principal and interest on city revenue or general obligation bonds authorized and issued pursuant to RCW 67.28.150 through 67.28.160 or has authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160 shall be))~~ a population of one million five hundred thousand or more is subject to the following:

(a) Taxes collected under this section in any calendar year before 2013 in excess of five million three hundred thousand dollars ~~((shall))~~ may only be used as follows:

(i) ~~((Seventy five percent from January 1, 1992, through December 31, 2000, and))~~ Seventy percent from January 1, 2001, through December 31, 2012, for art museums, cultural museums, heritage museums, the arts, and the performing arts. Moneys spent under this subsection (3)(a)(i) ~~((shall))~~ must be used for the purposes of this subsection (3)(a)(i) in all parts of the county.

(ii) ~~((Twenty five percent from January 1, 1992, through December 31, 2000, and))~~ Thirty percent from January 1, 2001, through December 31, 2012, for the following purposes and in a manner reflecting the following order of priority: Stadium purposes as authorized under subsection (2)(b) of this section; acquisition of open space lands; youth sports activities; and tourism promotion. If all or part of the debt on the stadium is refinanced, all revenues under this subsection (3)(a)(ii) ~~((shall))~~ must be used to retire the debt.

(b) From January 1, 2013, through December 31, 2015, ~~((in a county with a population of one million or more,))~~ all revenues under this section shall be used to retire the debt on the stadium, ~~((or deposited in the stadium and exhibition center account under RCW 43.99N.060 after))~~ until the debt on the stadium is retired. On and after the date the debt on the stadium is retired, and through December 31, 2015, all revenues under this section in a county of one million five hundred thousand or more must be deposited in the special account under (e) of this subsection.

(c) From January 1, 2016, through December 31, 2020, ~~((in a county with a population of one million or more,))~~ all revenues under this section ~~((shall))~~ must be deposited in the stadium and exhibition center account under RCW 43.99N.060.

(d) ~~((At least seventy percent of moneys spent under (a)(i) of this subsection for the period January 1, 1992, through December 31, 2000, shall be used only for the purchase, design, construction, and remodeling of performing arts, visual arts, heritage, and cultural facilities, and for the purchase of fixed assets that will benefit art, heritage, and cultural organizations. For purposes of this subsection,~~

~~fixed assets are tangible objects such as machinery and other equipment intended to be held or used for ten years or more. Moneys received under this subsection (3)(d) may be used for payment of principal and interest on bonds issued for capital projects. Qualifying organizations receiving moneys under this subsection (3)(d) must be financially stable and have at least the following:~~

- ~~(i) A legally constituted and working board of directors;~~
- ~~(ii) A record of artistic, heritage, or cultural accomplishments;~~
- ~~(iii) Been in existence and operating for at least two years;~~
- ~~(iv) Demonstrated ability to maintain net current liabilities at less than thirty percent of general operating expenses;~~
- ~~(v) Demonstrated ability to sustain operational capacity subsequent to completion of projects or purchase of machinery and equipment; and~~
- ~~(vi) Evidence that there has been independent financial review of the organization.)~~ On and after January 1, 2021, the revenues under this section must be used as follows:

(i) At least thirty-seven and one-half percent of the revenues under this section must be deposited in the special account under (e) of this subsection.

(ii) At least thirty-seven and one-half percent of the revenues under this section must be used for nonprofit organizations or public housing authorities for affordable workforce housing within one-half of a mile of a transit station, as described under RCW 9.91.025 or for services for homeless youth.

(iii) The remainder must be used for capital or operating programs that promote tourism and attract tourists to the county.

(e) At least forty percent of the revenues distributed pursuant to (a)(i) of this subsection ~~((for the period January 1, 2001, through December 31, 2012, shall))~~ must be deposited in ~~((an))~~ a special account ~~((and shall be used to establish an endowment. Principal in the account shall remain permanent and irreducible)).~~ The ~~((earnings from investments of balances in the))~~ account may only be used for the purposes of (a)(i) of this subsection.

(f) School districts and schools ~~((shall))~~ may not receive revenues distributed pursuant to (a)(i) of this subsection.

(g) Moneys distributed to art museums, cultural museums, heritage museums, the arts, and the performing arts, and moneys distributed for tourism promotion ~~((shall))~~ must be in addition to and may not be used to replace or supplant any other funding by the legislative body of the county.

(h) ~~((As used in))~~ For the purposes of this section(,):

(i) "Affordable workforce housing" means housing for a single person, family, or unrelated persons living together whose income is between thirty percent and eighty percent of the median income, adjusted for household size, for the county where the housing is located; and

(ii) "Tourism promotion" includes activities intended to attract visitors for overnight stays, arts, heritage, and cultural events, and recreational, professional, and amateur sports events. Moneys allocated to tourism promotion in a county with a population of one million or more ((shall)) must be allocated to local public organizations and nonprofit organizations formed for the express purpose of tourism promotion in the county. Such organizations ~~((shall))~~ must use moneys from the taxes to promote events in all parts of the county.

(i) No taxes collected under this section may be used for the operation or maintenance of a public stadium that is financed directly or indirectly by bonds

to which the tax is pledged. Expenditures for operation or maintenance include all expenditures other than expenditures that directly result in new fixed assets or that directly increase the capacity, life span, or operating economy of existing fixed assets.

(j) No ad valorem property taxes may be used for debt service on bonds issued for a public stadium that is financed by bonds to which the tax is pledged, unless the taxes collected under this section are or are projected to be insufficient to meet debt service requirements on such bonds.

(k) If a substantial part of the operation and management of a public stadium that is financed directly or indirectly by bonds to which the tax is pledged is performed by a nonpublic entity or if a public stadium is sold that is financed directly or indirectly by bonds to which the tax is pledged, any bonds to which the tax is pledged shall be retired. This subsection (3)(k) does not apply in respect to a public stadium under chapter 36.102 RCW transferred to, owned by, or constructed by a public facilities district under chapter 36.100 RCW or a stadium and exhibition center.

(l) The county (~~shall~~) may not lease a public stadium that is financed directly or indirectly by bonds to which the tax is pledged to, or authorize the use of the public stadium by, a professional major league sports franchise unless the sports franchise gives the right of first refusal to purchase the sports franchise, upon its sale, to local government. This subsection (3)(l) does not apply to contracts in existence on April 1, 1986.

(4) If a court of competent jurisdiction declares any provision of (~~this~~) subsection (3) of this section invalid, then that invalid provision (~~shall be~~) is null and void and the remainder of this section is not affected.

**Sec. 2.** RCW 36.38.010 and 1999 c 165 s 20 are each amended to read as follows:

(1) Any county may by ordinance enacted by its county legislative authority, levy and fix a tax of not more than one cent on twenty cents or fraction thereof to be paid for county purposes by persons who pay an admission charge to any place, including a tax on persons who are admitted free of charge or at reduced rates to any place for which other persons pay a charge or a regular higher charge for the same or similar privileges or accommodations; and require that one who receives any admission charge to any place (~~shall~~) must collect and remit the tax to the county treasurer of the county(~~(: PROVIDED:)~~). However, no county (~~shall~~) may impose such tax on persons paying an admission to any activity of any elementary or secondary school or any public facility of a public facility district under chapter 35.57 or 36.100 RCW for which a tax is imposed under RCW 35.57.100 or 36.100.210.

(2) As used in this chapter, the term "admission charge" includes a charge made for season tickets or subscriptions, a cover charge, or a charge made for use of seats and tables, reserved or otherwise, and other similar accommodations; a charge made for food and refreshments in any place where any free entertainment, recreation, or amusement is provided; a charge made for rental or use of equipment or facilities for purpose of recreation or amusement, and where the rental of the equipment or facilities is necessary to the enjoyment of a privilege for which a general admission is charged, the combined charges (~~shall~~) must be considered as the admission charge. (~~It shall~~) Admission

charge also includes any automobile parking charge where the amount of such charge is determined according to the number of passengers in any automobile.

(3) Subject to subsections (4) and (5) of this section, the tax ~~((herein))~~ authorized ~~((shall))~~ in this section is not ~~((be))~~ exclusive and ~~((shall))~~ does not prevent any city or town within the taxing county, when authorized by law, from imposing within its corporate limits a tax of the same or similar kind ~~((: PROVIDED, That))~~. However, whenever the same or similar kind of tax is imposed by any such city or town, no such tax ~~((shall))~~ may be levied within the corporate limits of such city or town by the county.

(4) Notwithstanding subsection (3) of this section, the legislative authority of a county with a population of one million or more may exclusively levy taxes on events in baseball stadiums constructed on or after January 1, 1995, that are owned by a public facilities district under chapter 36.100 RCW and that have seating capacities over forty thousand at the rates of:

(a) Not more than one cent on twenty cents or fraction thereof, to be used for the purpose of paying the principal and interest payments on bonds issued by a county to construct a baseball stadium as defined in RCW 82.14.0485. If the revenue from the tax exceeds the amount needed for that purpose, the excess ~~((shall))~~ must be placed in a contingency fund which ~~((may only))~~ must be used ~~((to pay unanticipated capital costs on the baseball stadium, excluding any cost overruns on initial construction))~~ exclusively by the public facilities district to fund repair, reequipping, and capital improvement of the baseball stadium; and

(b) Not more than one cent on twenty cents or fraction thereof, to be used for the purpose of paying the principal and interest payments on bonds issued by a county to construct a baseball stadium as defined in RCW 82.14.0485. The tax imposed under this subsection (4)(b) ~~((shall))~~ expires when the bonds issued for the construction of the baseball stadium are retired, but not later than twenty years after the tax is first collected.

(5) Notwithstanding subsection (3) of this section, the legislative authority of a county that has created a public stadium authority to develop a stadium and exhibition center under RCW 36.102.050 may levy and fix a tax on charges for admission to events in a stadium and exhibition center, as defined in RCW 36.102.010, constructed in the county on or after January 1, 1998, that is owned by a public stadium authority under chapter 36.102 RCW. The tax ~~((shall be))~~ is exclusive and ~~((shall))~~ precludes the city or town within which the stadium and exhibition center is located from imposing a tax of the same or similar kind on charges for admission to events in the stadium and exhibition center, and ~~((shall))~~ precludes the imposition of a general county admissions tax on charges for admission to events in the stadium and exhibition center. For the purposes of this subsection, "charges for admission to events" means only the actual admission charge, exclusive of taxes and service charges and the value of any other benefit conferred by the admission. The tax authorized under this subsection ~~((shall be))~~ is at the rate of not more than one cent on ten cents or fraction thereof. Revenues collected under this subsection ~~((shall))~~ must be deposited in the stadium and exhibition center account under RCW 43.99N.060 until the bonds issued under RCW 43.99N.020 for the construction of the stadium and exhibition center are retired. After the bonds issued for the construction of the stadium and exhibition center are retired, the tax authorized under this section ~~((shall be))~~ is used exclusively to fund repair, reequipping, and

capital improvement of the stadium and exhibition center. The tax under this subsection may be levied upon the first use of any part of the stadium and exhibition center but ~~((shall))~~ may not be collected at any facility already in operation as of July 17, 1997.

**Sec. 3.** RCW 36.100.220 and 1999 c 165 s 18 are each amended to read as follows:

(1) A public facility district may levy and fix a tax on any vehicle parking charges imposed at any parking facility that is owned or leased by the public facility district as part of a regional center, as defined in RCW 35.57.020, or a baseball stadium, as defined in RCW 82.14.0485. No county ~~((or))~~, city, or town within which the regional center or baseball stadium is located may impose a tax of the same or similar kind on any vehicle parking charges at the facility.

(2) For the purposes of this section, "vehicle parking charges" means only the actual parking charges exclusive of taxes and service charges and the value of any other benefit conferred.

(3) The tax authorized under this section ~~((shall))~~ must be at the rate of not more than ten percent. The tax authorized by this section with respect to a parking facility associated with a baseball stadium must be used exclusively to fund repair, reequipping, and capital improvement of the baseball stadium, and is not subject to the requirements of RCW 36.100.010(4).

Passed by the Senate May 24, 2011.

Passed by the House May 25, 2011.

Approved by the Governor June 15, 2011.

Filed in Office of Secretary of State June 15, 2011.

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## CHAPTER 39

[Engrossed Substitute Senate Bill 5860]

### STATE EMPLOYEES—COMPENSATION REDUCTION

AN ACT Relating to temporary compensation reductions for state government employees during the 2011-2013 fiscal biennium; amending RCW 43.03.030, 41.60.150, 41.06.560, 41.04.340, and 43.01.041; reenacting and amending RCW 41.06.070, 41.06.133, 41.06.500, and 43.03.040; adding a new section to chapter 41.04 RCW; adding a new section to chapter 43.03 RCW; creating new sections; providing an effective date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** A new section is added to chapter 41.04 RCW to read as follows:

(1) Except as provided in this section, from July 1, 2011, through June 29, 2013, base salaries are reduced three percent for all state employees of the executive, legislative, and judicial branches, including those employees in the Washington management service and employees not subject to the provisions of chapter 41.06 RCW.

(2) The following employees of the executive, legislative, and judicial branches are not subject to subsection (1) of this section:

(a) Elected officials whose salaries are set by the commission on salaries for elected officials;

(b) Employees at state institutions of higher education;

(c) Certificated employees of the state school for the blind and the center for childhood deafness and hearing loss;



(d) Commissioned officers of the Washington state patrol represented by the state patrol troopers association and the Washington state patrol lieutenants association;

(e) Represented ferry workers of the Washington state department of transportation; and

(f) Employees whose monthly full-time equivalent salary is less than two thousand five hundred dollars per month.

(3) Except as provided in subsection (4) of this section, if an employee subject to the three percent salary reduction under subsection (1) of this section is entitled to leave, the employee will receive temporary salary reduction leave of up to five and two-tenths hours per month. The director of the department of personnel shall adopt rules governing the accrual and use of temporary salary reduction leave for nonrepresented employees. For represented employees, the accrual and use of temporary salary reduction leave shall be in accordance with the provisions of the collective bargaining agreements.

(4) If provisions of collective bargaining agreements prevent the implementation of subsection (1) of this section, agencies of the executive, legislative, and judicial branches shall achieve a three percent salary reduction for each employee through employee leave without pay, mandatory and voluntary temporary layoffs, reduced work hours, or other actions consistent with collective bargaining agreements. This subsection does not prohibit an agency from granting temporary salary reduction leave for employees entitled to leave in accordance with subsection (3) of this section.

(5) Subsection (2) of this section does not prohibit employers of the executive, legislative, and judicial branches from implementing a salary reduction for employees exempted under subsection (2) of this section. Employers of the executive, legislative, and judicial branches are encouraged to implement a salary reduction for employees exempted under subsection (2) of this section, except for those employees whose monthly full-time equivalent salary is less than two thousand five hundred dollars per month.

(6) Subsection (2) of this section does not prohibit elected officials whose salaries are set by the commission on salaries for elected officials to voluntarily agree to a reduction in salary and elected officials are encouraged to take such action.

(7) This section does not prohibit a state agency or institution during the 2011-2013 fiscal biennium from instituting reduced work hours, mandatory or voluntary leave without pay, reductions in salaries, or temporary layoffs as an integral part of the employer's expenditure reduction efforts, as certified by the employer. This subsection must be implemented consistent with collective bargaining agreements.

**NEW SECTION. Sec. 2.** A new section is added to chapter 43.03 RCW to read as follows:

(1) From July 1, 2011, through June 29, 2013, any state elected official of the executive branch may voluntarily reduce his or her salary from that established pursuant to Article XXVIII, section 1 of the state Constitution by three percent.

(2) The department of personnel and office of financial management shall develop a form to be used by any state elected official of the executive branch to

execute the salary reduction under subsection (1) of this section through the state's central personnel payroll system.

(3) A voluntary reduction in salary shall be effective and continue through June 29, 2013, unless the state elected official of the executive branch directs in writing that the department of personnel discontinue the reduction.

**NEW SECTION. Sec. 3.** (1) Except as provided in this section, institutions of higher education are to achieve compensation reductions as specifically set forth in the 2011-2013 fiscal biennium omnibus appropriations act.

(2) Student employees and employees whose monthly full-time equivalent salary is less than two thousand five hundred dollars per month are not subject to subsection (1) of this section.

(3) This section does not prohibit institutions of higher education from implementing temporary salary reduction leave for employees who are entitled to leave.

**Sec. 4.** RCW 41.06.070 and 2010 c 271 s 801, 2010 c 2 s 2, and 2010 c 1 s 1 are each reenacted and amended to read as follows:

(1) The provisions of this chapter do not apply to:

(a) The members of the legislature or to any employee of, or position in, the legislative branch of the state government including members, officers, and employees of the legislative council, joint legislative audit and review committee, statute law committee, and any interim committee of the legislature;

(b) The justices of the supreme court, judges of the court of appeals, judges of the superior courts or of the inferior courts, or to any employee of, or position in the judicial branch of state government;

(c) Officers, academic personnel, and employees of technical colleges;

(d) The officers of the Washington state patrol;

(e) Elective officers of the state;

(f) The chief executive officer of each agency;

(g) In the departments of employment security and social and health services, the director and the director's confidential secretary; in all other departments, the executive head of which is an individual appointed by the governor, the director, his or her confidential secretary, and his or her statutory assistant directors;

(h) In the case of a multimember board, commission, or committee, whether the members thereof are elected, appointed by the governor or other authority, serve ex officio, or are otherwise chosen:

(i) All members of such boards, commissions, or committees;

(ii) If the members of the board, commission, or committee serve on a part-time basis and there is a statutory executive officer: The secretary of the board, commission, or committee; the chief executive officer of the board, commission, or committee; and the confidential secretary of the chief executive officer of the board, commission, or committee;

(iii) If the members of the board, commission, or committee serve on a full-time basis: The chief executive officer or administrative officer as designated by the board, commission, or committee; and a confidential secretary to the chair of the board, commission, or committee;

(iv) If all members of the board, commission, or committee serve ex officio: The chief executive officer; and the confidential secretary of such chief executive officer;

(i) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the state;

(j) Assistant attorneys general;

(k) Commissioned and enlisted personnel in the military service of the state;

(l) Inmate, student, part-time, or temporary employees, and part-time professional consultants, as defined by the Washington personnel resources board;

(m) The public printer or to any employees of or positions in the state printing plant;

(n) Officers and employees of the Washington state fruit commission;

(o) Officers and employees of the Washington apple commission;

(p) Officers and employees of the Washington state dairy products commission;

(q) Officers and employees of the Washington tree fruit research commission;

(r) Officers and employees of the Washington state beef commission;

(s) Officers and employees of the Washington grain commission;

(t) Officers and employees of any commission formed under chapter 15.66 RCW;

(u) Officers and employees of agricultural commissions formed under chapter 15.65 RCW;

~~(v) ((Officers and employees of the nonprofit corporation formed under chapter 67.40 RCW;~~

~~(w))~~ Executive assistants for personnel administration and labor relations in all state agencies employing such executive assistants including but not limited to all departments, offices, commissions, committees, boards, or other bodies subject to the provisions of this chapter and this subsection shall prevail over any provision of law inconsistent herewith unless specific exception is made in such law;

~~((x))~~ (w) In each agency with fifty or more employees: Deputy agency heads, assistant directors or division directors, and not more than three principal policy assistants who report directly to the agency head or deputy agency heads;

~~((y))~~ (x) All employees of the marine employees' commission;

~~((z))~~ (y) Staff employed by the department of commerce to administer energy policy functions;

~~((aa))~~ (z) The manager of the energy facility site evaluation council;

~~((bb))~~ (aa) A maximum of ten staff employed by the department of commerce to administer innovation and policy functions, including the three principal policy assistants exempted under ~~((x))~~ (w) of this subsection;

~~((cc))~~ (bb) Staff employed by Washington State University to administer energy education, applied research, and technology transfer programs under RCW 43.21F.045 as provided in RCW 28B.30.900(5).

(2) The following classifications, positions, and employees of institutions of higher education and related boards are hereby exempted from coverage of this chapter:

(a) Members of the governing board of each institution of higher education and related boards, all presidents, vice presidents, and their confidential secretaries, administrative, and personal assistants; deans, directors, and chairs; academic personnel; and executive heads of major administrative or academic divisions employed by institutions of higher education; principal assistants to executive heads of major administrative or academic divisions; other managerial or professional employees in an institution or related board having substantial responsibility for directing or controlling program operations and accountable for allocation of resources and program results, or for the formulation of institutional policy, or for carrying out personnel administration or labor relations functions, legislative relations, public information, development, senior computer systems and network programming, or internal audits and investigations; and any employee of a community college district whose place of work is one which is physically located outside the state of Washington and who is employed pursuant to RCW 28B.50.092 and assigned to an educational program operating outside of the state of Washington;

(b) The governing board of each institution, and related boards, may also exempt from this chapter classifications involving research activities, counseling of students, extension or continuing education activities, graphic arts or publications activities requiring prescribed academic preparation or special training as determined by the board: PROVIDED, That no nonacademic employee engaged in office, clerical, maintenance, or food and trade services may be exempted by the board under this provision;

(c) Printing craft employees in the department of printing at the University of Washington.

(3) In addition to the exemptions specifically provided by this chapter, the director of personnel may provide for further exemptions pursuant to the following procedures. The governor or other appropriate elected official may submit requests for exemption to the director of personnel stating the reasons for requesting such exemptions. The director of personnel shall hold a public hearing, after proper notice, on requests submitted pursuant to this subsection. If the director determines that the position for which exemption is requested is one involving substantial responsibility for the formulation of basic agency or executive policy or one involving directing and controlling program operations of an agency or a major administrative division thereof, the director of personnel shall grant the request and such determination shall be final as to any decision made before July 1, 1993. The total number of additional exemptions permitted under this subsection shall not exceed one percent of the number of employees in the classified service not including employees of institutions of higher education and related boards for those agencies not directly under the authority of any elected public official other than the governor, and shall not exceed a total of twenty-five for all agencies under the authority of elected public officials other than the governor.

The salary and fringe benefits of all positions presently or hereafter exempted except for the chief executive officer of each agency, full-time members of boards and commissions, administrative assistants and confidential secretaries in the immediate office of an elected state official, and the personnel listed in subsections (1)(j) through ~~((v))~~ (u) and ~~((x))~~ (x) and (2) of this section, shall be determined by the director of personnel. Changes to the

classification plan affecting exempt salaries must meet the same provisions for classified salary increases resulting from adjustments to the classification plan as outlined in RCW 41.06.152.

From July 1, 2011, through June 29, 2013, salaries for all positions exempt from classification under this chapter are subject to section 1 of this act.

From February 18, 2009, through June 30, ~~((2014))~~ 2013, a salary or wage increase shall not be granted to any position exempt from classification under this chapter, except that a salary or wage increase may be granted to employees pursuant to collective bargaining agreements negotiated under chapter 28B.52, 41.56, 47.64, or 41.76 RCW, ~~((or negotiated by the nonprofit corporation formed under chapter 67.40 RCW,))~~ and except that increases may be granted for positions for which the employer has demonstrated difficulty retaining qualified employees if the following conditions are met:

(a) The salary increase can be paid within existing resources; ~~((and))~~

(b) The salary increase will not adversely impact the provision of client services; and

(c) For any state agency of the executive branch, not including institutions of higher education, the salary increase is approved by the director of the office of financial management.

Any agency granting a salary increase from February 15, 2010, through June 30, 2011, to a position exempt from classification under this chapter shall submit a report to the fiscal committees of the legislature no later than July 31, 2011, detailing the positions for which salary increases were granted, the size of the increases, and the reasons for giving the increases.

Any agency granting a salary increase from July 1, 2011, through June 30, 2013, to a position exempt from classification under this chapter shall submit a report to the fiscal committees of the legislature by July 31, 2012, and July 31, 2013, detailing the positions for which salary increases were granted during the preceding fiscal year, the size of the increases, and the reasons for giving the increases.

Any person holding a classified position subject to the provisions of this chapter shall, when and if such position is subsequently exempted from the application of this chapter, be afforded the following rights: If such person previously held permanent status in another classified position, such person shall have a right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

A person occupying an exempt position who is terminated from the position for gross misconduct or malfeasance does not have the right of reversion to a classified position as provided for in this section.

From February 15, 2010, until June 30, ~~((2014))~~ 2013, no monetary performance-based awards or incentives may be granted by the director or employers to employees covered by rules adopted under this section. This subsection does not prohibit the payment of awards provided for in chapter 41.60 RCW.

From July 1, 2011, until June 30, 2013, no performance-based awards or incentives may be granted by the director or employers to employees pursuant to a performance management confirmation granted by the department of personnel under WAC 357-37-055.

**Sec. 5.** RCW 41.06.133 and 2010 c 2 s 3 and 2010 c 1 s 2 are each reenacted and amended to read as follows:

(1) The director shall adopt rules, consistent with the purposes and provisions of this chapter and with the best standards of personnel administration, regarding the basis and procedures to be followed for:

- (a) The reduction, dismissal, suspension, or demotion of an employee;
- (b) Training and career development;
- (c) Probationary periods of six to twelve months and rejections of probationary employees, depending on the job requirements of the class, except that entry level state park rangers shall serve a probationary period of twelve months;
- (d) Transfers;
- (e) Promotional preferences;
- (f) Sick leaves and vacations;
- (g) Hours of work;
- (h) Layoffs when necessary and subsequent reemployment, except for the financial basis for layoffs;

(i) The number of names to be certified for vacancies;

(j) Subject to section 1 of this act, adoption and revision of a state salary schedule to reflect the prevailing rates in Washington state private industries and other governmental units. The rates in the salary schedules or plans shall be increased if necessary to attain comparable worth under an implementation plan under RCW 41.06.155 and, for institutions of higher education and related boards, shall be competitive for positions of a similar nature in the state or the locality in which an institution of higher education or related board is located. Such adoption and revision is subject to approval by the director of financial management in accordance with chapter 43.88 RCW;

(k) Increment increases within the series of steps for each pay grade based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service. From February 18, 2009, through June 30, ~~((2014))~~ 2013, a salary or wage increase shall not be granted to any exempt position under this chapter, except that a salary or wage increase may be granted to employees pursuant to collective bargaining agreements negotiated under chapter 28B.52, 41.56, 47.64, or 41.76 RCW, ~~((or negotiated by the nonprofit corporation formed under chapter 67.40 RCW,))~~ and except that increases may be granted for positions for which the employer has demonstrated difficulty retaining qualified employees if the following conditions are met:

(i) The salary increase can be paid within existing resources; ~~((and))~~

(ii) The salary increase will not adversely impact the provision of client services; and

(iii) For any state agency of the executive branch, not including institutions of higher education, the salary increase is approved by the director of the office of financial management;

Any agency granting a salary increase from February 15, 2010, through June 30, 2011, to a position exempt under this chapter shall submit a report to the fiscal committees of the legislature no later than July 31, 2011, detailing the positions for which salary increases were granted, the size of the increases, and the reasons for giving the increases;

Any agency granting a salary increase from July 1, 2011, through June 30, 2013, to a position exempt under this chapter shall submit a report to the fiscal committees of the legislature by July 31, 2012, and July 31, 2013, detailing the positions for which salary increases were granted during the preceding fiscal year, the size of the increases, and the reasons for giving the increases;

(l) Optional lump sum relocation compensation approved by the agency director, whenever it is reasonably necessary that a person make a domiciliary move in accepting a transfer or other employment with the state. An agency must provide lump sum compensation within existing resources. If the person receiving the relocation payment terminates or causes termination with the state, for reasons other than layoff, disability separation, or other good cause as determined by an agency director, within one year of the date of the employment, the state is entitled to reimbursement of the lump sum compensation from the person;

(m) Providing for veteran's preference as required by existing statutes, with recognition of preference in regard to layoffs and subsequent reemployment for veterans and their surviving spouses by giving such eligible veterans and their surviving spouses additional credit in computing their seniority by adding to their unbroken state service, as defined by the director, the veteran's service in the military not to exceed five years. For the purposes of this section, "veteran" means any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service, has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given. However, the surviving spouse of a veteran is entitled to the benefits of this section regardless of the veteran's length of active military service. For the purposes of this section, "veteran" does not include any person who has voluntarily retired with twenty or more years of active military service and whose military retirement pay is in excess of five hundred dollars per month.

(2) Rules adopted under this section by the director shall provide for local administration and management by the institutions of higher education and related boards, subject to periodic audit and review by the director.

(3) Rules adopted by the director under this section may be superseded by the provisions of a collective bargaining agreement negotiated under RCW 41.80.001 and 41.80.010 through 41.80.130. The supersession of such rules shall only affect employees in the respective collective bargaining units.

(4)(a) The director shall require that each state agency report annually the following data:

(i) The number of classified, Washington management service, and exempt employees in the agency and the change compared to the previous report;

(ii) The number of bonuses and performance-based incentives awarded to agency staff and the base wages of such employees; and

(iii) The cost of each bonus or incentive awarded.

(b) A report that compiles the data in (a) of this subsection for all agencies will be provided annually to the governor and the appropriate committees of the legislature and must be posted for the public on the department of personnel's agency web site.

(5) From February 15, 2010, until June 30, ~~((2011))~~ 2013, no monetary performance-based awards or incentives may be granted by the director or employers to employees covered by rules adopted under this section. This subsection does not prohibit the payment of awards provided for in chapter 41.60 RCW.

From July 1, 2011, until June 30, 2013, no performance-based awards or incentives may be granted by the director or employers to employees pursuant to a performance management confirmation granted by the department of personnel under WAC 357-37-055.

**Sec. 6.** RCW 41.06.500 and 2010 c 2 s 4 and 2010 c 1 s 3 are each reenacted and amended to read as follows:

(1) Except as provided in RCW 41.06.070 and subject to section 1 of this act, notwithstanding any other provisions of this chapter, the director is authorized to adopt, after consultation with state agencies and employee organizations, rules for managers as defined in RCW 41.06.022. These rules shall not apply to managers employed by institutions of higher education or related boards or whose positions are exempt. The rules shall govern recruitment, appointment, classification and allocation of positions, examination, training and career development, hours of work, probation, certification, compensation, transfer, affirmative action, promotion, layoff, reemployment, performance appraisals, discipline, and any and all other personnel practices for managers. These rules shall be separate from rules adopted for other employees, and to the extent that the rules adopted under this section apply only to managers shall take precedence over rules adopted for other employees, and are not subject to review by the board.

(2) In establishing rules for managers, the director shall adhere to the following goals:

(a) Development of a simplified classification system that facilitates movement of managers between agencies and promotes upward mobility;

(b) Creation of a compensation system that provides flexibility in setting and changing salaries, and shall require review and approval by the director in the case of any salary changes greater than five percent proposed for any group of employees;

(c) Establishment of a performance appraisal system that emphasizes individual accountability for program results and efficient management of resources; effective planning, organization, and communication skills; valuing and managing workplace diversity; development of leadership and interpersonal abilities; and employee development;

(d) Strengthening management training and career development programs that build critical management knowledge, skills, and abilities; focusing on managing and valuing workplace diversity; empowering employees by enabling them to share in workplace decision making and to be innovative, willing to take



risks, and able to accept and deal with change; promoting a workplace where the overall focus is on the recipient of the government services and how these services can be improved; and enhancing mobility and career advancement opportunities;

(e) Permitting flexible recruitment and hiring procedures that enable agencies to compete effectively with other employers, both public and private, for managers with appropriate skills and training; allowing consideration of all qualified candidates for positions as managers; and achieving affirmative action goals and diversity in the workplace;

(f) Providing that managers may only be reduced, dismissed, suspended, or demoted for cause; and

(g) Facilitating decentralized and regional administration.

(3) From February 18, 2009, through June 30, ~~((2011))~~ 2013, a salary or wage increase shall not be granted to any position under this section, except that increases may be granted for positions for which the employer has demonstrated difficulty retaining qualified employees if the following conditions are met:

(a) The salary increase can be paid within existing resources; ~~((and))~~

(b) The salary increase will not adversely impact the provision of client services; and

(c) For any state agency of the executive branch, not including institutions of higher education, the salary increase is approved by the director of the office of financial management.

Any agency granting a salary increase from February 15, 2010, through June 30, 2011, to a position under this section shall submit a report to the fiscal committees of the legislature no later than July 31, 2011, detailing the positions for which salary increases were granted, the size of the increases, and the reasons for giving the increases.

Any agency granting a salary increase from July 1, 2011, through June 30, 2013, to a position under this section shall submit a report to the fiscal committees of the legislature by July 31, 2012, and July 31, 2013, detailing the positions for which salary increases were granted during the preceding fiscal year, the size of the increases, and the reasons for giving the increases.

(4) From February 15, 2010, until June 30, ~~((2014))~~ 2013, no monetary performance-based awards or growth and development progression adjustments may be granted by the director or employers to the Washington management service employees covered by the rules adopted under this section. This subsection does not prohibit the payment of awards provided for in chapter 41.60 RCW.

From July 1, 2011, until June 30, 2013, no performance-based awards or incentives may be granted by the director or employers to employees pursuant to a performance management confirmation granted by the department of personnel under WAC 357-37-055.

From July 1, 2011, through June 29, 2013, salaries for all positions under this section are subject to section 1 of this act.

**Sec. 7.** RCW 43.03.030 and 2010 c 1 s 4 are each amended to read as follows:

(1) Wherever the compensation of any appointive state officer or employee is fixed by statute, it may be hereafter increased or decreased in the manner provided by law for the fixing of compensation of other appointive state officers

or employees; but this subsection shall not apply to the heads of state departments.

(2) Wherever the compensation of any state officer appointed by the governor, or of any employee in any office or department under the control of any such officer, is fixed by statute, such compensation may hereafter, from time to time, be changed by the governor, and he or she shall have power to fix such compensation at any amount not to exceed the amount fixed by statute.

(3) From February 18, 2009, through June 30, ~~((2011))~~ 2013, a salary or wage increase shall not be granted to any position under this section, except that increases may be granted for positions for which the employer has demonstrated difficulty retaining qualified employees if the following conditions are met:

(a) The salary increase can be paid within existing resources; ~~((and))~~

(b) The salary increase will not adversely impact the provision of client services; and

(c) For any state agency of the executive branch, not including institutions of higher education, the salary increase is approved by the director of the office of financial management.

Any agency granting a salary increase from February 15, 2010, through June 30, 2011, to a position exempt under this section shall submit a report to the fiscal committees of the legislature no later than July 31, 2011, detailing the positions for which salary increases were granted, the size of the increases, and the reasons for giving the increases.

Any agency granting a salary increase from July 1, 2011, through June 30, 2013, to a position exempt under this section shall submit a report to the fiscal committees of the legislature by July 31, 2012, and July 31, 2013, detailing the positions for which salary increases were granted during the preceding fiscal year, the size of the increases, and the reasons for giving the increases.

From July 1, 2011, through June 29, 2013, salaries for all positions under this section are subject to section 1 of this act.

**Sec. 8.** RCW 43.03.040 and 2010 1st sp.s. c 7 s 5 and 2010 c 1 s 5 are each reenacted and amended to read as follows:

Subject to section 1 of this act, the directors of the several departments and members of the several boards and commissions, whose salaries are fixed by the governor and the chief executive officers of the agencies named in RCW 43.03.028(1) as now or hereafter amended shall each severally receive such salaries, payable in monthly installments, as shall be fixed by the governor or the appropriate salary fixing authority, in an amount not to exceed the recommendations of the department of personnel. From February 18, 2009, through June 30, ~~((2011))~~ 2013, a salary or wage increase shall not be granted to any position under this section, except that increases may be granted for positions for which the employer has demonstrated difficulty retaining qualified employees if the following conditions are met:

(1) The salary increase can be paid within existing resources; ~~((and))~~

(2) The salary increase will not adversely impact the provision ~~((of))~~ of client services; and

(3) For any state agency of the executive branch, not including institutions of higher education, the salary increase is approved by the director of the office of financial management.

Any agency granting a salary increase from February 15, 2010, through June 30, 2011, to a position under this section shall submit a report to the fiscal committees of the legislature no later than July 31, 2011, detailing the positions for which salary increases were granted, the size of the increases, and the reasons for giving the increases.

Any agency granting a salary increase from July 1, 2011, through June 30, 2013, to a position under this section shall submit a report to the fiscal committees of the legislature by July 31, 2012, and July 31, 2013, detailing the positions for which salary increases were granted during the preceding fiscal year, the size of the increases, and the reasons for giving the increases.

**Sec. 9.** RCW 41.60.150 and 2010 c 1 s 6 are each amended to read as follows:

Other than suggestion awards and incentive pay unit awards, agencies shall have the authority to recognize employees, either individually or as a class, for accomplishments including outstanding achievements, safety performance, longevity, outstanding public service, or service as employee suggestion evaluators and implementors. Recognition awards may not exceed two hundred dollars in value per award. Such awards may include, but not be limited to, cash or such items as pen and desk sets, plaques, pins, framed certificates, clocks, and calculators. Award costs shall be paid by the agency giving the award. From February 15, 2010, through June 30, ~~((2011))~~ 2013, recognition awards may not be given in the form of cash or cash equivalents such as gift certificates or gift cards.

**NEW SECTION. Sec. 10.** (1) Notwithstanding sections 4 through 8 of this act, during the 2011-2013 fiscal biennium institutions of higher education may grant a wage or salary increase for additional academic responsibilities during the summer quarter if the following conditions are met:

(a) The salary increase can be paid within existing resources; and

(b) The salary increase will not adversely impact the provision of client services.

(2) Any institution granting a wage or salary increase under this section from July 1, 2011, through June 30, 2013, shall submit a report to the fiscal committees of the legislature by July 31, 2012, and July 31, 2013, detailing the positions for which salary increases were granted, the size of the increases, and the reasons for giving the increases.

**Sec. 11.** RCW 41.06.560 and 2010 c 2 s 6 are each amended to read as follows:

From February 15, 2010, until June 30, ~~((2011))~~ 2013, no monetary performance-based awards or incentives may be granted by the director or employers to employees covered by rules adopted under this section. This section does not prohibit the payment of awards provided for in chapter 41.60 RCW.

From July 1, 2011, until June 30, 2013, no performance-based awards or incentives may be granted by the director or employers to employees pursuant to a performance management confirmation granted by the department of personnel under WAC 357-37-055.

**Sec. 12.** RCW 41.04.340 and 2002 c 354 s 227 are each amended to read as follows:

(1) An attendance incentive program is established for all eligible employees. As used in this section the term "eligible employee" means any employee of the state, other than eligible employees of the community and technical colleges and the state board for community and technical colleges identified in RCW 28B.50.553, and teaching and research faculty at the state and regional universities and The Evergreen State College, entitled to accumulate sick leave and for whom accurate sick leave records have been maintained. No employee may receive compensation under this section for any portion of sick leave accumulated at a rate in excess of one day per month. The state and regional universities and The Evergreen State College shall maintain complete and accurate sick leave records for all teaching and research faculty.

(2) In January of the year following any year in which a minimum of sixty days of sick leave is accrued, and each January thereafter, any eligible employee may receive remuneration for unused sick leave accumulated in the previous year at a rate equal to one day's monetary compensation of the employee for each four full days of accrued sick leave in excess of sixty days. Sick leave for which compensation has been received shall be deducted from accrued sick leave at the rate of four days for every one day's monetary compensation.

From July 1, 2011, through June 29, 2013, the rate of monetary compensation for the purposes of this subsection shall not be reduced by any temporary salary reduction.

(3) At the time of separation from state service due to retirement or death, an eligible employee or the employee's estate may elect to receive remuneration at a rate equal to one day's current monetary compensation of the employee for each four full days of accrued sick leave. From July 1, 2011, through June 29, 2013, the rate of monetary compensation for the purposes of this subsection shall not be reduced by any temporary salary reduction.

(4) Remuneration or benefits received under this section shall not be included for the purpose of computing a retirement allowance under any public retirement system in this state.

(5) Except as provided in subsections (7) through (9) of this section for employees not covered by chapter 41.06 RCW, this section shall be administered, and rules shall be adopted to carry out its purposes, by the director of personnel for persons subject to chapter 41.06 RCW: PROVIDED, That determination of classes of eligible employees shall be subject to approval by the office of financial management.

(6) Should the legislature revoke any remuneration or benefits granted under this section, no affected employee shall be entitled thereafter to receive such benefits as a matter of contractual right.

(7) In lieu of remuneration for unused sick leave at retirement as provided in subsection (3) of this section, an agency head or designee may with equivalent funds, provide eligible employees with a benefit plan that provides for reimbursement for medical expenses. This plan shall be implemented only after consultation with affected groups of employees. For eligible employees covered by chapter 41.06 RCW, procedures for the implementation of these plans shall be adopted by the director of personnel. For eligible employees exempt from chapter 41.06 RCW, and classified employees who have opted out of coverage of chapter 41.06 RCW as provided in RCW 41.56.201, implementation

procedures shall be adopted by an agency head having jurisdiction over the employees.

(8) Implementing procedures adopted by the director of personnel or agency heads shall require that each medical expense plan authorized by subsection (7) of this section apply to all eligible employees in any one of the following groups: (a) Employees in an agency; (b) employees in a major organizational subdivision of an agency; (c) employees at a major operating location of an agency; (d) exempt employees under the jurisdiction of an elected or appointed Washington state executive; (e) employees of the Washington state senate; (f) employees of the Washington state house of representatives; (g) classified employees in a bargaining unit established by the director of personnel; or (h) other group of employees defined by an agency head that is not designed to provide an individual-employee choice regarding participation in a medical expense plan. However, medical expense plans for eligible employees in any of the groups under (a) through (h) of this subsection who are covered by a collective bargaining agreement shall be implemented only by written agreement with the bargaining unit's exclusive representative and a separate medical expense plan may be provided for unrepresented employees.

(9) Medical expense plans authorized by subsection (7) of this section must require as a condition of participation in the plan that employees in the group affected by the plan sign an agreement with the employer. The agreement must include a provision to hold the employer harmless should the United States government find that the employer or the employee is in debt to the United States as a result of the employee not paying income taxes due on the equivalent funds placed into the plan, or as a result of the employer not withholding or deducting a tax, assessment, or other payment on the funds as required by federal law. The agreement must also include a provision that requires an eligible employee to forfeit remuneration under subsection (3) of this section if the employee belongs to a group that has been designated to participate in the medical expense plan permitted under this section and the employee refuses to execute the required agreement.

**Sec. 13.** RCW 43.01.041 and 1985 c 292 s 1 are each amended to read as follows:

Officers and employees referred to in RCW 43.01.040 whose employment is terminated by their death, reduction in force, resignation, dismissal, or retirement, and who have accrued vacation leave as specified in RCW 43.01.040 or 43.01.044, shall be paid therefor under their contract of employment, or their estate if they are deceased, or if the employee in case of voluntary resignation has provided adequate notice of termination. Annual leave accumulated under RCW 43.01.044 is not to be included in the computation of retirement benefits. From July 1, 2011, through June 29, 2013, the amount of pay received by an employee under the provisions of this section shall not be reduced by any temporary salary reduction.

Should the legislature revoke any benefits or rights provided under chapter 292, Laws of 1985, no affected officer or employee shall be entitled thereafter to receive such benefits or exercise such rights as a matter of contractual right.

NEW SECTION. Sec. 14. The director of the department of personnel and the director of the department of retirement systems shall adopt rules as necessary to implement the temporary salary reductions.

NEW SECTION. Sec. 15. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2011.

Passed by the Senate May 25, 2011.

Passed by the House May 25, 2011.

Approved by the Governor June 15, 2011.

Filed in Office of Secretary of State June 15, 2011.

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## CHAPTER 40

[Engrossed Substitute Senate Bill 5891]

### CRIMINAL JUSTICE—COST SAVINGS

AN ACT Relating to criminal justice cost savings; amending RCW 9.94A.171, 9.94A.729, 9.92.060, 9.95.210, 9.94A.650, 9.94A.780, 9.95.214, 72.04A.120, 72.11.040, 9.94A.74504, 9.95.003, 9.95.005, 9.95.007, 9.95.140, 9.95.280, 9.95.300, 9.96.050, 71.05.385, 72.09.585, 9.94A.480, 13.50.010, 9.94A.74501, 10.98.140, 10.98.160, 72.66.016, 9.94A.860, 9.94A.8673, 9A.52.025, 9.95.011, and 9.95.009; reenacting and amending RCW 9.94A.501, 9.95.204, 9.94A.030, and 70.96A.350; adding new sections to chapter 9.94A RCW; adding new sections to chapter 43.88C RCW; creating new sections; decodifying RCW 4.24.5502; repealing RCW 13.40.005, 9.94A.850, 9.94A.855, 9.94A.863, 9.94A.8671, 9.94A.8672, 9.94A.8674, 9.94A.8675, 9.94A.8676, 9.94A.8677, 9.94A.8678, 43.131.411, and 43.131.412; repealing 2011 c 96 s 11; providing an effective date; providing an expiration date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

## PART I

### Offender Supervision

**Sec. 1.** RCW 9.94A.171 and 2008 c 231 s 28 are each amended to read as follows:

(1) A term of confinement ordered in a sentence pursuant to this chapter shall be tolled by any period of time during which the offender has absented himself or herself from confinement without the prior approval of the entity in whose custody the offender has been placed. A term of partial confinement shall be tolled during any period of time spent in total confinement pursuant to a new conviction (~~(or pursuant to sanctions for violation of sentence conditions on a separate felony conviction)~~).

(2) Any term of community custody shall be tolled by any period of time during which the offender has absented himself or herself from supervision without prior approval of the entity under whose supervision the offender has been placed.

(3)(a) For offenders other than sex offenders serving a sentence for a sex offense as defined in RCW 9.94A.030, any period of community custody shall be tolled during any period of time the offender is in confinement for any reason~~(— However, if an)~~ unless the offender is detained pursuant to RCW 9.94A.740 or 9.94A.631 ~~((and is later found not to have violated a condition or requirement of community custody, time spent in confinement due to such detention shall not toll the period of community custody))~~ for the period of time

prior to the hearing or for confinement pursuant to sanctions imposed for violation of sentence conditions, in which case, the period of community custody shall not toll. However, sanctions that result in the imposition of the remaining sentence or the original sentence will continue to toll the period of community custody. In addition, inpatient treatment ordered by the court in lieu of jail time shall not toll the period of community custody.

(b) For sex offenders serving a sentence for a sex offense as defined in RCW 9.94A.030, any period of community custody shall be tolled during any period of time the sex offender is in confinement for any reason.

(4) For terms of confinement or community custody, the date for the tolling of the sentence shall be established by the entity responsible for the confinement or supervision.

(5) For the purposes of this section, "tolling" means the period of time in which community custody or confinement time is paused and for which the offender does not receive credit towards the term ordered.

**Sec. 2.** RCW 9.94A.501 and 2010 c 267 s 10 and 2010 c 224 s 3 are each reenacted and amended to read as follows:

(1) The department shall supervise ~~((every offender convicted of a misdemeanor or gross misdemeanor offense who is))~~ the following offenders who are sentenced to probation in superior court, pursuant to RCW 9.92.060, 9.95.204, or 9.95.210~~((for an offense included in (a) and (b) of this subsection. The superior court shall order probation for:~~

~~(a) Offenders convicted of fourth degree assault, violation of a domestic violence court order pursuant to RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145, and who also have a prior conviction for one or more of the following:~~

~~(i) A violent offense;~~

~~(ii) A sex offense;~~

~~(iii) A crime against a person as provided in RCW 9.94A.411;~~

~~(iv) Fourth degree assault; or~~

~~(v) Violation of a domestic violence court order; and~~

~~(b))):~~

(a) Offenders convicted of:

(i) Sexual misconduct with a minor second degree;

(ii) Custodial sexual misconduct second degree;

(iii) Communication with a minor for immoral purposes; and

(iv) Violation of RCW 9A.44.132(2) (failure to register); and

(b) Offenders who have:

(i) A current conviction for a repetitive domestic violence offense where domestic violence has been plead and proven after August 1, 2011; and

(ii) A prior conviction for a repetitive domestic violence offense or domestic violence felony offense where domestic violence has been plead and proven after August 1, 2011.

(2) Misdemeanor and gross misdemeanor offenders supervised by the department pursuant to this section shall be placed on community custody.

(3) The department shall supervise every felony offender sentenced to community custody pursuant to RCW 9.94A.701 or 9.94A.702 whose risk assessment~~((conducted pursuant to subsection (6) of this section,))~~ classifies the offender as one who is at a high risk to reoffend.

(4) Notwithstanding any other provision of this section, the department shall supervise an offender sentenced to community custody regardless of risk classification if the offender:

(a) Has a current conviction for a sex offense or a serious violent offense ~~((as defined in RCW 9.94A.030))~~ and was sentenced to a term of community custody pursuant to RCW 9.94A.701, 9.94A.702, or 9.94A.507;

(b) Has been identified by the department as a dangerous mentally ill offender pursuant to RCW 72.09.370;

(c) Has an indeterminate sentence and is subject to parole pursuant to RCW 9.95.017;

(d) Has a current conviction for violating RCW 9A.44.132(1) (failure to register) and was sentenced to a term of community custody pursuant to RCW 9.94A.701;

(e) Has a current conviction for a domestic violence felony offense where domestic violence has been plead and proven after August 1, 2011, and a prior conviction for a repetitive domestic violence offense or domestic violence felony offense where domestic violence has been plead and proven after August 1, 2011;

(f) Was sentenced under RCW 9.94A.650, 9.94A.655, 9.94A.660, or 9.94A.670; or

~~((f))~~ (g) Is subject to supervision pursuant to RCW 9.94A.745.

(5) The department is not authorized to, and may not, supervise any offender sentenced to a term of community custody or any probationer unless the offender or probationer is one for whom supervision is required under ~~((subsection (1), (2), (3), or (4) of))~~ this section or section 3 of this act.

(6) The department shall conduct a risk assessment for every felony offender sentenced to a term of community custody who may be subject to supervision under this section or section 3 of this act.

**NEW SECTION. Sec. 3.** A new section is added to chapter 9.94A RCW to read as follows:

(1) The department shall supervise every offender convicted prior to August 2, 2011, of a misdemeanor or gross misdemeanor offense who is sentenced to probation in superior court, pursuant to RCW 9.92.060, 9.95.204, or 9.95.210, for an offense as provided in this subsection. The superior court shall order probation for offenders who have:

(a) A current conviction for fourth degree assault or violation of a domestic violence court order pursuant to RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145; and

(b) A prior conviction for one or more of the following:

(i) A violent offense;

(ii) A sex offense;

(iii) A crime against a person as provided in RCW 9.94A.411;

(iv) Fourth degree assault; or

(v) Violation of a domestic violence court order.

(2) This section expires August 1, 2014.

**Sec. 4.** RCW 9.94A.729 and 2010 c 224 s 7 are each amended to read as follows:



(1)(a) The term of the sentence of an offender committed to a correctional facility operated by the department may be reduced by earned release time in accordance with procedures that shall be developed and adopted by the correctional agency having jurisdiction in which the offender is confined. The earned release time shall be for good behavior and good performance, as determined by the correctional agency having jurisdiction. The correctional agency shall not credit the offender with earned release credits in advance of the offender actually earning the credits.

(b) Any program established pursuant to this section shall allow an offender to earn early release credits for presentence incarceration. If an offender is transferred from a county jail to the department, the administrator of a county jail facility shall certify to the department the amount of time spent in custody at the facility and the amount of earned release time. The department may approve a jail certification from a correctional agency that calculates earned release time based on the actual amount of confinement time served by the offender before sentencing when an erroneous calculation of confinement time served by the offender before sentencing appears on the judgment and sentence.

(2) An offender who has been convicted of a felony committed after July 23, 1995, that involves any applicable deadly weapon enhancements under RCW 9.94A.533 (3) or (4), or both, shall not receive any good time credits or earned release time for that portion of his or her sentence that results from any deadly weapon enhancements.

(3) An offender may earn early release time as follows:

(a) In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 1990, and before July 1, 2003, the aggregate earned release time may not exceed fifteen percent of the sentence.

(b) In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 2003, the aggregate earned release time may not exceed ten percent of the sentence.

(c) An offender is qualified to earn up to fifty percent of aggregate earned release time if he or she:

(i) Is not classified as an offender who is at a high risk to reoffend as provided in subsection (4) of this section;

(ii) Is not confined pursuant to a sentence for:

(A) A sex offense;

(B) A violent offense;

(C) A crime against persons as defined in RCW 9.94A.411;

(D) A felony that is domestic violence as defined in RCW 10.99.020;

(E) A violation of RCW 9A.52.025 (residential burglary);

(F) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or

(G) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor);

(iii) Has no prior conviction for the offenses listed in (c)(ii) of this subsection;

(iv) Participates in programming or activities as directed by the offender's individual reentry plan as provided under RCW 72.09.270 to the extent that such programming or activities are made available by the department; and

(v) Has not committed a new felony after July 22, 2007, while under community custody.

(d) In no other case shall the aggregate earned release time exceed one-third of the total sentence.

(4) The department shall perform a risk assessment of each offender who may qualify for earned early release under subsection (3)(c) of this section utilizing the risk assessment tool recommended by the Washington state institute for public policy. Subsection (3)(c) of this section does not apply to offenders convicted after July 1, 2010.

(5)(a) A person who is eligible for earned early release as provided in this section and who ~~((is convicted of a sex offense, a violent offense, any crime against persons under RCW 9.94A.411(2), or a felony offense under chapter 69.50 or 69.52 RCW))~~ will be supervised by the department pursuant to RCW 9.94A.501 or section 3 of this act, shall be transferred to community custody in lieu of earned release time;

(b) The department shall, as a part of its program for release to the community in lieu of earned release, require the offender to propose a release plan that includes an approved residence and living arrangement. All offenders with community custody terms eligible for release to community custody in lieu of earned release shall provide an approved residence and living arrangement prior to release to the community;

(c) The department may deny transfer to community custody in lieu of earned release time if the department determines an offender's release plan, including proposed residence location and living arrangements, may violate the conditions of the sentence or conditions of supervision, place the offender at risk to violate the conditions of the sentence, place the offender at risk to reoffend, or present a risk to victim safety or community safety. The department's authority under this section is independent of any court-ordered condition of sentence or statutory provision regarding conditions for community custody;

(d) If the department is unable to approve the offender's release plan, the department may do one or more of the following:

(i) Transfer an offender to partial confinement in lieu of earned early release for a period not to exceed three months. The three months in partial confinement is in addition to that portion of the offender's term of confinement that may be served in partial confinement as provided in RCW 9.94A.728(5);

(ii) Provide rental vouchers to the offender for a period not to exceed three months if rental assistance will result in an approved release plan. The voucher must be provided in conjunction with additional transition support programming or services that enable an offender to participate in services including, but not limited to, substance abuse treatment, mental health treatment, sex offender treatment, educational programming, or employment programming;

(e) For each offender who is the recipient of a rental voucher, the department shall include, concurrent with the data that the department otherwise obtains and records, the housing status of the offender for the duration of the offender's supervision.

(6) An offender serving a term of confinement imposed under RCW 9.94A.670(5)(a) is not eligible for earned release credits under this section.

**Sec. 5.** RCW 9.92.060 and 2005 c 362 s 2 are each amended to read as follows:

(1) Whenever any person is convicted of any crime except murder, burglary in the first degree, arson in the first degree, robbery, rape of a child, or rape, the superior court may, in its discretion, at the time of imposing sentence upon such person, direct that such sentence be stayed and suspended until otherwise ordered by the superior court, and, upon such terms as the superior court may determine, that the sentenced person be placed under the charge of:

(a) A community corrections officer employed by the department of corrections, if the person is subject to supervision under RCW 9.94A.501 or section 3 of this act; or ((if the county elects to assume responsibility for the supervision of all superior court misdemeanor probationers))

(b) A probation officer employed or contracted for by the county, ((~~upon such terms as the superior court may determine~~)) if the county has elected to assume responsibility for the supervision of superior court misdemeanor probationers.

(2) As a condition to suspension of sentence, the superior court shall require the payment of the penalty assessment required by RCW 7.68.035. In addition, the superior court may require the convicted person to make such monetary payments, on such terms as the superior court deems appropriate under the circumstances, as are necessary: (a) To comply with any order of the court for the payment of family support; (b) to make restitution to any person or persons who may have suffered loss or damage by reason of the commission of the crime in question or when the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement; (c) to pay any fine imposed and not suspended and the court or other costs incurred in the prosecution of the case, including reimbursement of the state for costs of extradition if return to this state by extradition was required; and (d) to contribute to a county or interlocal drug fund.

(3) As a condition of the suspended sentence, the superior court may order the probationer to report to the secretary of corrections or such officer as the secretary may designate and as a condition of the probation to follow the instructions of the secretary. If the county legislative authority has elected to assume responsibility for the supervision of superior court misdemeanor probationers within its jurisdiction, the superior court misdemeanor probationer shall report to a probation officer employed or contracted for by the county. In cases where a superior court misdemeanor probationer is sentenced in one county, but resides within another county, there must be provisions for the probationer to report to the agency having supervision responsibility for the probationer's county of residence.

(4) If restitution to the victim has been ordered under subsection (2)(b) of this section and the superior court has ordered supervision, the officer supervising the probationer shall make a reasonable effort to ascertain whether restitution has been made as ordered. If the superior court has ordered supervision and restitution has not been made, the officer shall inform the

prosecutor of that violation of the terms of the suspended sentence not less than three months prior to the termination of the suspended sentence.

~~((5) The provisions of RCW 9.94A.501 apply to sentences imposed under this section.))~~

**Sec. 6.** RCW 9.95.204 and 2005 c 400 s 2 and 2005 c 362 s 3 are each reenacted and amended to read as follows:

(1) When a superior court places a defendant convicted of a misdemeanor or gross misdemeanor on probation and orders supervision under RCW 9.92.060 or 9.95.210, the department of corrections has ~~((initial))~~ responsibility for supervision of ~~((that))~~ defendants pursuant to RCW 9.94A.501 and section 3 of this act.

(2) A county legislative authority may assume responsibility for the supervision of ~~((all))~~ defendants within its jurisdiction who have been convicted of a misdemeanor or gross misdemeanor and sentenced to probation by a superior court. If a county legislative authority chooses to assume responsibility for defendants supervised by the department, the assumption of responsibility shall be made by contract with the department of corrections on a biennial basis.

~~(3) ((If a county assumes supervision responsibility, the county shall supervise all superior court misdemeanor probationers within that county for the duration of the biennium, as set forth in the contract with the department of corrections.))~~

~~(4) A contract between a county legislative authority and the department of corrections for the transfer of supervision responsibility must include, at a minimum, the following provisions:~~

~~(a) The county's agreement to supervise all misdemeanor probationers who are sentenced by a superior court within that county and who reside within that county;~~

~~(b) A reciprocal agreement regarding the supervision of superior court misdemeanor probationers sentenced in one county but who reside in another county;~~

~~(c) The county's agreement to comply with the minimum standards for classification and supervision of offenders as required under RCW 9.95.206;~~

~~(d) The amount of funds available from the department of corrections to the county for supervision of superior court misdemeanor probationers, calculated according to a formula established by the department of corrections;~~

~~(e) A method for the payment of funds by the department of corrections to the county;~~

~~(f) The county's agreement that any funds received by the county under the contract will be expended only to cover costs of supervision of superior court misdemeanor probationers;~~

~~(g) The county's agreement to account to the department of corrections for the expenditure of all funds received under the contract and to submit to audits for compliance with the supervision standards and financial requirements of this section;~~

~~(h) Provisions regarding rights and remedies in the event of a possible breach of contract or default by either party; and~~

~~(i) Provisions allowing for voluntary termination of the contract by either party, with good cause, after sixty days' written notice.~~

~~(5) If the contract between the county and the department of corrections is terminated for any reason, the department of corrections shall reassume responsibility for supervision of superior court misdemeanor probationers within that county. In such an event, the department of corrections retains any and all rights and remedies available by law and under the contract.~~

~~(6))~~ The state of Washington, the department of corrections and its employees, community corrections officers, and volunteers who assist community corrections officers are not liable for any harm caused by the actions of a superior court misdemeanor probationer who is under the supervision of a county. A county, its probation department and employees, probation officers, and volunteers who assist probation officers are not liable for any harm caused by the actions of a superior court misdemeanor probationer who is under the supervision of the department of corrections. ~~((This subsection applies regardless of whether the supervising entity is in compliance with the standards of supervision at the time of the misdemeanor probationer's actions.~~

~~(7))~~ (4) The state of Washington, the department of corrections and its employees, community corrections officers, any county ~~((under contract with the department of corrections))~~ providing supervision services pursuant to this section and its employees, probation officers, and volunteers who assist community corrections officers and probation officers in the superior court misdemeanor probation program are not liable for civil damages resulting from any act or omission in the rendering of superior court misdemeanor probation activities unless the act or omission constitutes gross negligence. For purposes of this section, "volunteers" is defined according to RCW 51.12.035.

~~((8) The provisions of RCW 9.94A.501 apply to sentences imposed under this section.~~

~~(9))~~ (5)(a) If a misdemeanor probationer requests permission to travel or transfer to another state, the assigned probation officer employed or contracted for by the county shall determine whether such request is subject to RCW 9.94A.745, the interstate compact for adult offender supervision. If such request is subject to the compact, the probation officer shall:

- (i) Notify the department of corrections of the probationer's request;
  - (ii) Provide the department of corrections with the supporting documentation it requests for processing an application for transfer;
  - (iii) Notify the probationer of the fee due to the department of corrections for processing an application under the compact;
  - (iv) Cease supervision of the probationer while another state supervises the probationer pursuant to the compact;
  - (v) Resume supervision if the probationer returns to this state before the term of probation expires.
- (b) The probationer shall receive credit for time served while being supervised by another state.

**Sec. 7.** RCW 9.95.210 and 2005 c 362 s 4 are each amended to read as follows:

(1) In granting probation, the superior court may suspend the imposition or the execution of the sentence and may direct that the suspension may continue upon such conditions and for such time as it shall designate, not exceeding the maximum term of sentence or two years, whichever is longer.

(2) In the order granting probation and as a condition thereof, the superior court may in its discretion imprison the defendant in the county jail for a period not exceeding one year and may fine the defendant any sum not exceeding the statutory limit for the offense committed, and court costs. As a condition of probation, the superior court shall require the payment of the penalty assessment required by RCW 7.68.035. The superior court may also require the defendant to make such monetary payments, on such terms as it deems appropriate under the circumstances, as are necessary: (a) To comply with any order of the court for the payment of family support; (b) to make restitution to any person or persons who may have suffered loss or damage by reason of the commission of the crime in question or when the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement; (c) to pay such fine as may be imposed and court costs, including reimbursement of the state for costs of extradition if return to this state by extradition was required; (d) following consideration of the financial condition of the person subject to possible electronic monitoring, to pay for the costs of electronic monitoring if that monitoring was required by the court as a condition of release from custody or as a condition of probation; (e) to contribute to a county or interlocal drug fund; and (f) to make restitution to a public agency for the costs of an emergency response under RCW 38.52.430, and may require bonds for the faithful observance of any and all conditions imposed in the probation.

(3) The superior court shall order restitution in all cases where the victim is entitled to benefits under the crime victims' compensation act, chapter 7.68 RCW. If the superior court does not order restitution and the victim of the crime has been determined to be entitled to benefits under the crime victims' compensation act, the department of labor and industries, as administrator of the crime victims' compensation program, may petition the superior court within one year of imposition of the sentence for entry of a restitution order. Upon receipt of a petition from the department of labor and industries, the superior court shall hold a restitution hearing and shall enter a restitution order.

(4) In granting probation, the superior court may order the probationer to report to the secretary of corrections or such officer as the secretary may designate and as a condition of the probation to follow the instructions of the secretary. If the county legislative authority has elected to assume responsibility for the supervision of superior court misdemeanor probationers within its jurisdiction, the superior court misdemeanor probationer shall report to a probation officer employed or contracted for by the county. In cases where a superior court misdemeanor probationer is sentenced in one county, but resides within another county, there must be provisions for the probationer to report to the agency having supervision responsibility for the probationer's county of residence.

(5) If the probationer has been ordered to make restitution and the superior court has ordered supervision, the officer supervising the probationer shall make a reasonable effort to ascertain whether restitution has been made. If the superior court has ordered supervision and restitution has not been made as ordered, the officer shall inform the prosecutor of that violation of the terms of probation not less than three months prior to the termination of the probation

period. The secretary of corrections will promulgate rules and regulations for the conduct of the person during the term of probation. For defendants found guilty in district court, like functions as the secretary performs in regard to probation may be performed by probation officers employed for that purpose by the county legislative authority of the county wherein the court is located.

(6) The provisions of RCW 9.94A.501 and section 3 of this act apply to sentences imposed under this section.

**Sec. 8.** RCW 9.94A.030 and 2010 c 274 s 401, 2010 c 267 s 9, 2010 c 227 s 11, and 2010 c 224 s 1 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the indeterminate sentence review board created under chapter 9.95 RCW.

(2) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.760, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(3) "Commission" means the sentencing guidelines commission.

(4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(5) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed as part of a sentence under this chapter and served in the community subject to controls placed on the offender's movement and activities by the department.

(6) "Community protection zone" means the area within eight hundred eighty feet of the facilities and grounds of a public or private school.

(7) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(8) "Confinement" means total or partial confinement.

(9) "Conviction" means an adjudication of guilt pursuant to Title 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(10) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(11) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere.

(a) The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) A conviction may be removed from a defendant's criminal history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or a similar out-

of-state statute, or if the conviction has been vacated pursuant to a governor's pardon.

(c) The determination of a defendant's criminal history is distinct from the determination of an offender score. A prior conviction that was not included in an offender score calculated pursuant to a former version of the sentencing reform act remains part of the defendant's criminal history.

(12) "Criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having a common name or common identifying sign or symbol, having as one of its primary activities the commission of criminal acts, and whose members or associates individually or collectively engage in or have engaged in a pattern of criminal street gang activity. This definition does not apply to employees engaged in concerted activities for their mutual aid and protection, or to the activities of labor and bona fide nonprofit organizations or their members or agents.

(13) "Criminal street gang associate or member" means any person who actively participates in any criminal street gang and who intentionally promotes, furthers, or assists in any criminal act by the criminal street gang.

(14) "Criminal street gang-related offense" means any felony or misdemeanor offense, whether in this state or elsewhere, that is committed for the benefit of, at the direction of, or in association with any criminal street gang, or is committed with the intent to promote, further, or assist in any criminal conduct by the gang, or is committed for one or more of the following reasons:

(a) To gain admission, prestige, or promotion within the gang;

(b) To increase or maintain the gang's size, membership, prestige, dominance, or control in any geographical area;

(c) To exact revenge or retribution for the gang or any member of the gang;

(d) To obstruct justice, or intimidate or eliminate any witness against the gang or any member of the gang;

(e) To directly or indirectly cause any benefit, aggrandizement, gain, profit, or other advantage for the gang, its reputation, influence, or membership; or

(f) To provide the gang with any advantage in, or any control or dominance over any criminal market sector, including, but not limited to, manufacturing, delivering, or selling any controlled substance (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88 RCW); human trafficking (RCW 9A.40.100); or promoting pornography (chapter 9.68 RCW).

(15) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(16) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

(17) "Department" means the department of corrections.

(18) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community custody, the number of actual hours or days of community restitution work, or dollars or terms of a legal financial obligation.



The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(19) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(20) "Domestic violence" has the same meaning as defined in RCW 10.99.020 and 26.50.010.

(21) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense other than a violent offense or a sex offense and who are eligible for the option under RCW 9.94A.660.

(22) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.4013) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(23) "Earned release" means earned release from confinement as provided in RCW 9.94A.728.

(24) "Escape" means:

(a) Sexually violent predator escape (RCW 9A.76.115), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(25) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-run injury-accident (RCW 46.52.020(4)), felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)), or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(26) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

(27) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

(28) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance.

(29) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

(30) "Minor child" means a biological or adopted child of the offender who is under age eighteen at the time of the offender's current offense.

(31) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Robbery in the second degree;

(p) Sexual exploitation;

(q) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any

drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(s) Any other class B felony offense with a finding of sexual motivation;

(t) Any other felony with a deadly weapon verdict under RCW 9.94A.825;

(u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(v)(i) A prior conviction for indecent liberties under RCW ~~((9A.88.100))~~ 9A.44.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997;

(w) Any out-of-state conviction for a felony offense with a finding of sexual motivation if the minimum sentence imposed was ten years or more; provided that the out-of-state felony offense must be comparable to a felony offense under Title 9 or 9A RCW and the out-of-state definition of sexual motivation must be comparable to the definition of sexual motivation contained in this section.

(32) "Nonviolent offense" means an offense which is not a violent offense.

(33) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. In addition, for the purpose of community custody requirements under this chapter, "offender" also means a ~~((misdemeanor or gross misdemeanor))~~ misdemeanant or gross misdemeanant probationer ~~((convicted of an offense included in RCW 9.94A.501(1) and))~~ ordered by a superior court to probation ~~((under the supervision of the department))~~ pursuant to RCW 9.92.060, 9.95.204, or 9.95.210 and supervised by the department pursuant to RCW 9.94A.501 and section 3 of this act. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(34) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court or home detention has been ordered by the department as part of the parenting program, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention.

(35) "Pattern of criminal street gang activity" means:

(a) The commission, attempt, conspiracy, or solicitation of, or any prior juvenile adjudication of or adult conviction of, two or more of the following criminal street gang-related offenses:

(i) Any "serious violent" felony offense as defined in this section, excluding Homicide by Abuse (RCW 9A.32.055) and Assault of a Child 1 (RCW 9A.36.120);

(ii) Any "violent" offense as defined by this section, excluding Assault of a Child 2 (RCW 9A.36.130);

(iii) Deliver or Possession with Intent to Deliver a Controlled Substance (chapter 69.50 RCW);

(iv) Any violation of the firearms and dangerous weapon act (chapter 9.41 RCW);

(v) Theft of a Firearm (RCW 9A.56.300);

(vi) Possession of a Stolen Firearm (RCW 9A.56.310);

(vii) Malicious Harassment (RCW 9A.36.080);

(viii) Harassment where a subsequent violation or deadly threat is made (RCW 9A.46.020(2)(b));

(ix) Criminal Gang Intimidation (RCW 9A.46.120);

(x) Any felony conviction by a person eighteen years of age or older with a special finding of involving a juvenile in a felony offense under RCW 9.94A.833;

(xi) Residential Burglary (RCW 9A.52.025);

(xii) Burglary 2 (RCW 9A.52.030);

(xiii) Malicious Mischief 1 (RCW 9A.48.070);

(xiv) Malicious Mischief 2 (RCW 9A.48.080);

(xv) Theft of a Motor Vehicle (RCW 9A.56.065);

(xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);

(xvii) Taking a Motor Vehicle Without Permission 1 (RCW 9A.56.070);

(xviii) Taking a Motor Vehicle Without Permission 2 (RCW 9A.56.075);

(xix) Extortion 1 (RCW 9A.56.120);

(xx) Extortion 2 (RCW 9A.56.130);

(xxi) Intimidating a Witness (RCW 9A.72.110);

(xxii) Tampering with a Witness (RCW 9A.72.120);

(xxiii) Reckless Endangerment (RCW 9A.36.050);

(xxiv) Coercion (RCW 9A.36.070);

(xxv) Harassment (RCW 9A.46.020); or

(xxvi) Malicious Mischief 3 (RCW 9A.48.090);

(b) That at least one of the offenses listed in (a) of this subsection shall have occurred after July 1, 2008;

(c) That the most recent committed offense listed in (a) of this subsection occurred within three years of a prior offense listed in (a) of this subsection; and

(d) Of the offenses that were committed in (a) of this subsection, the offenses occurred on separate occasions or were committed by two or more persons.

(36) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this

state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.525; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in the second degree, or burglary in the first degree; or (C) an attempt to commit any crime listed in this subsection (36)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was eighteen years of age or older when the offender committed the offense.

(37) "Predatory" means: (a) The perpetrator of the crime was a stranger to the victim, as defined in this section; (b) the perpetrator established or promoted a relationship with the victim prior to the offense and the victimization of the victim was a significant reason the perpetrator established or promoted the relationship; or (c) the perpetrator was: (i) A teacher, counselor, volunteer, or other person in authority in any public or private school and the victim was a student of the school under his or her authority or supervision. For purposes of this subsection, "school" does not include home-based instruction as defined in RCW 28A.225.010; (ii) a coach, trainer, volunteer, or other person in authority in any recreational activity and the victim was a participant in the activity under his or her authority or supervision; (iii) a pastor, elder, volunteer, or other person in authority in any church or religious organization, and the victim was a member or participant of the organization under his or her authority; or (iv) a teacher, counselor, volunteer, or other person in authority providing home-based instruction and the victim was a student receiving home-based instruction while under his or her authority or supervision. For purposes of this subsection: (A) "Home-based instruction" has the same meaning as defined in RCW 28A.225.010; and (B) "teacher, counselor, volunteer, or other person in authority" does not include the parent or legal guardian of the victim.

(38) "Private school" means a school regulated under chapter 28A.195 or 28A.205 RCW.

(39) "Public school" has the same meaning as in RCW 28A.150.010.

(40) "Repetitive domestic violence offense" means any:

(a)(i) Domestic violence assault that is not a felony offense under RCW 9A.36.041;

(ii) Domestic violence violation of a no-contact order under chapter 10.99 RCW that is not a felony offense;

(iii) Domestic violence violation of a protection order under chapter 26.09, 26.10, 26.26, or 26.50 RCW that is not a felony offense;

(iv) Domestic violence harassment offense under RCW 9A.46.020 that is not a felony offense; or

(v) Domestic violence stalking offense under RCW 9A.46.110 that is not a felony offense; or

(b) Any federal, out-of-state, tribal court, military, county, or municipal conviction for an offense that under the laws of this state would be classified as a repetitive domestic violence offense under (a) of this subsection.

(41) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

(42) "Risk assessment" means the application of the risk instrument recommended to the department by the Washington state institute for public policy as having the highest degree of predictive accuracy for assessing an offender's risk of reoffense.

(43) "Serious traffic offense" means:

(a) Nonfelony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), nonfelony actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(44) "Serious violent offense" is a subcategory of violent offense and means:

(a)(i) Murder in the first degree;

(ii) Homicide by abuse;

(iii) Murder in the second degree;

(iv) Manslaughter in the first degree;

(v) Assault in the first degree;

(vi) Kidnapping in the first degree;

(vii) Rape in the first degree;

(viii) Assault of a child in the first degree; or

(ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(45) "Sex offense" means:

(a)(i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.132;

(ii) A violation of RCW 9A.64.020;

(iii) A felony that is a violation of chapter 9.68A RCW other than RCW 9.68A.080;

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes; or

(v) A felony violation of RCW 9A.44.132(1) (failure to register) if the person has been convicted of violating RCW 9A.44.132(1) (failure to register) on at least one prior occasion;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(46) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(47) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(48) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

(49) "Stranger" means that the victim did not know the offender twenty-four hours before the offense.

(50) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(51) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(52) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(53) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

(ix) Assault of a child in the second degree;

(x) Extortion in the first degree;  
(xi) Robbery in the second degree;  
(xii) Drive-by shooting;  
(xiii) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

(54) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

(55) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.690 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

(56) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

**Sec. 9.** RCW 9.94A.650 and 2008 c 231 s 29 are each amended to read as follows:

(1) This section applies to offenders who have never been previously convicted of a felony in this state, federal court, or another state, and who have never participated in a program of deferred prosecution for a felony, and who are convicted of a felony that is not:

(a) Classified as a violent offense or a sex offense under this chapter;

(b) Manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in Schedule I or II that is a narcotic drug or flunitrazepam classified in Schedule IV;

(c) Manufacture, delivery, or possession with intent to deliver a methamphetamine, its salts, isomers, and salts of its isomers as defined in RCW 69.50.206(d)(2);

(d) The selling for profit of any controlled substance or counterfeit substance classified in Schedule I, RCW 69.50.204, except leaves and flowering tops of marihuana; or

(e) Felony driving while under the influence of intoxicating liquor or any drug or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug.

(2) In sentencing a first-time offender the court may waive the imposition of a sentence within the standard sentence range and impose a sentence which may



include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses.

(3) The court may impose up to ~~((one year))~~ six months of community custody unless treatment is ordered, in which case the period of community custody may include up to the period of treatment, but shall not exceed ~~((two years))~~ one year.

(4) As a condition of community custody, in addition to any conditions authorized in RCW 9.94A.703, the court may order the offender to pay all court-ordered legal financial obligations and/or perform community restitution work.

## PART II Cost Of Supervision

**Sec. 10.** RCW 9.94A.780 and 2008 c 231 s 37 are each amended to read as follows:

(1) Whenever a punishment imposed under this chapter requires supervision services to be provided, the offender shall pay to the department of corrections the ~~((monthly assessment))~~ supervision intake fee, prescribed under subsection (2) of this section, ~~((which shall be for the duration of the terms of supervision and))~~ which shall be considered as payment or part payment of the cost of ~~((providing))~~ establishing supervision to the offender. The department may exempt or defer a person from the payment of all or any part of the ~~((assessment))~~ intake fee based upon any of the following factors:

(a) The offender has diligently attempted but has been unable to obtain employment that provides the offender sufficient income to make such a payment~~(s)~~.

(b) The offender is a student in a school, college, university, or a course of vocational or technical training designed to fit the student for gainful employment.

(c) The offender has an employment handicap, as determined by an examination acceptable to or ordered by the department.

(d) The offender's age prevents him or her from obtaining employment.

(e) The offender is responsible for the support of dependents and the payment of the ~~((assessment))~~ intake fee constitutes an undue hardship on the offender.

(f) Other extenuating circumstances as determined by the department.

(2) The department of corrections shall adopt a rule prescribing the amount of the assessment. The ~~((department may, if it finds it appropriate, prescribe a schedule of assessments that shall vary in accordance with the intensity or cost of the supervision. The department may not prescribe any assessment that is less than ten dollars nor more than fifty dollars))~~ supervision intake fee shall be imposed after the determination of eligibility for supervision has been completed. For offenders whose crime was committed on or after October 1, 2011, the intake fee prescribed shall be not less than four hundred dollars or more than six hundred dollars, and shall be assessed for each judgment and sentence imposed by the superior court in which supervision by the department is required.

(3) For offenders whose offense date was before October 1, 2011, the monthly rate shall be converted to a one-time fee. The amount due shall be based upon the most recent monthly fee amount by the months of supervision left to serve, but in no case shall exceed six hundred dollars.

(4) Nothing in this act shall affect the amount or dates payments are due for any prior balances owed by an offender for the cost of supervision.

~~((3))~~ (5) All amounts required to be paid under this section shall be collected by the department of corrections and deposited by the department in the dedicated fund established pursuant to RCW 72.11.040.

~~((4))~~ (6) This section shall not apply to probation services provided under an interstate compact pursuant to chapter 9.95 RCW or to probation services provided for persons placed on probation prior to June 10, 1982.

~~((5))~~ (7) If a county clerk assumes responsibility for collection of unpaid legal financial obligations under RCW 9.94A.760, or under any agreement with the department under that section, whether before or after the completion of any period of community custody, the clerk may impose a monthly or annual assessment for the cost of collections. The amount of the assessment shall not exceed the actual cost of collections. The county clerk may exempt or defer payment of all or part of the assessment based upon any of the factors listed in subsection (1) of this section. The offender shall pay the assessment under this subsection to the county clerk who shall apply it to the cost of collecting legal financial obligations under RCW 9.94A.760.

**Sec. 11.** RCW 9.95.214 and 2005 c 400 s 3 are each amended to read as follows:

Whenever a defendant convicted of a misdemeanor or gross misdemeanor is placed on probation under RCW 9.92.060 or 9.95.210, and the defendant is supervised by ~~((the department of corrections or))~~ a county probation department, the ~~((department or))~~ county probation department may assess and collect from the defendant for the duration of the term of supervision a monthly assessment not to exceed one hundred dollars per month. Whenever a defendant convicted of a misdemeanor or gross misdemeanor is placed on probation under RCW 9.92.060 or 9.95.210, and the defendant is supervised by the department of corrections, the department may collect supervision intake fees pursuant to RCW 9.94A.780. This assessment shall be paid to the agency supervising the defendant and shall be applied, along with funds appropriated by the legislature, toward the payment or part payment of the cost of supervising the defendant. The ~~((department or))~~ county probation department shall suspend such assessment while the defendant is being supervised by another state pursuant to RCW 9.94A.745, the interstate compact for adult offender supervision.

**Sec. 12.** RCW 72.04A.120 and 1991 c 104 s 2 are each amended to read as follows:

(1) Any person placed on parole shall be required to pay the ~~((monthly assessment))~~ supervision intake fee, prescribed under ~~((subsection (2) of this section, which shall be for the duration of the parole and which shall be considered as payment or part payment of the cost of providing parole supervision to the parolee))~~ RCW 9.94A.780(3). The department may exempt a person from the payment of all or any part of the assessment based upon any of the following factors:

(a) The offender has diligently attempted but has been unable to obtain employment which provides the offender sufficient income to make such payments.

(b) The offender is a student in a school, college, university, or a course of vocational or technical training designed to fit the student for gainful employment.

(c) The offender has an employment handicap, as determined by an examination acceptable to or ordered by the department.

(d) The offender's age prevents him from obtaining employment.

(e) The offender is responsible for the support of dependents and the payment of the assessment constitutes an undue hardship on the offender.

(f) Other extenuating circumstances as determined by the department.

(2) The department of corrections shall adopt a rule prescribing the amount of the assessment. ~~((The department may, if it finds it appropriate, prescribe a schedule of assessments which shall vary in accordance with the intensity or cost of the supervision. The department may not prescribe any assessment which is less than ten dollars nor more than fifty dollars.))~~

(3) Payment of the assessed amount shall constitute a condition of parole for purposes of the application of RCW 72.04A.090.

(4) All amounts required to be paid under this section shall be collected by the department of corrections and deposited by the department in the dedicated fund established pursuant to RCW 72.11.040.

~~((5) This section shall not apply to parole services provided under an interstate compact pursuant to chapter 9.95 RCW or to parole services provided for offenders paroled before June 10, 1982.))~~

**Sec. 13.** RCW 72.11.040 and 2005 c 518 s 943 are each amended to read as follows:

The cost of supervision fund is created in the custody of the state treasurer. All receipts from assessments made under RCW 9.94A.780, ~~9.94A.74504~~, and 72.04A.120 shall be deposited into the fund. Expenditures from the fund may be used only to support the collection of legal financial obligations. ~~((During the 2005-2007 biennium, funds from the account may also be used for costs associated with the department's supervision of the offenders in the community.))~~ Only the secretary of the department of corrections or the secretary's designee may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

**Sec. 14.** RCW 9.94A.74504 and 2005 c 400 s 1 are each amended to read as follows:

(1) The department may supervise nonfelony offenders transferred to Washington pursuant to RCW 9.94A.745, the interstate compact for adult offender supervision, and shall supervise these offenders according to the provisions of this chapter.

(2) The department shall process applications for interstate transfer of felony and nonfelony offenders requesting transfer of supervision out-of-state pursuant to RCW 9.94A.745, the interstate compact for adult offender supervision, and may charge offenders a reasonable fee for processing the application.

(3) The department shall adopt a rule prescribing the amount of the interstate transfer application fee.

**PART III**  
**Indeterminate Sentence Review Board**

**Sec. 15.** RCW 9.95.003 and 2007 c 362 s 1 are each amended to read as follows:

(1) The board is created within the department. The board shall consist of a ~~((chairman))~~ chair and four other members, each of whom shall be appointed by the governor with the consent of the senate. Each member shall hold office for a term of five years, and until his or her successor is appointed and qualified. The terms shall expire on April 15th of the expiration year. Vacancies in the membership of the board shall be filled by appointment by the governor with the consent of the senate. In the event of the inability of any member to act, the governor shall appoint some competent person to act in his stead during the continuance of such inability. The members shall not be removable during their respective terms except for cause determined by the superior court of Thurston county. The governor in appointing the members shall designate one of them to serve as ~~((chairman))~~ chair at the governor's pleasure. The appointed ~~((chairman))~~ chair shall serve as a fully participating board member ~~((and as the director of the agency)).~~

(2) The department shall provide administrative and staff support for the board. The secretary may employ a senior administrative officer and such other personnel as may be necessary to assist the board in carrying out its duties.

(3) The members of the board and ~~((its officers and employees))~~ staff assigned to the board shall not engage in any other business or profession or hold any other public office without the prior approval of the executive ethics board indicating compliance with RCW 42.52.020, 42.52.030, 42.52.040 and 42.52.120; nor shall they, at the time of appointment or employment or during their incumbency, serve as the representative of any political party on an executive committee or other governing body thereof, or as an executive officer or employee of any political committee or association. The members of the board shall each severally receive salaries fixed by the governor in accordance with the provisions of RCW 43.03.040, and in addition shall receive travel expenses incurred in the discharge of their official duties in accordance with RCW 43.03.050 and 43.03.060.

~~((The board may employ, and fix, with the approval of the governor, the compensation of and prescribe the duties of a senior administrative officer and such officers, employees, and assistants as may be necessary, and provide necessary quarters, supplies, and equipment.))~~

**NEW SECTION. Sec. 16.** (1) The indeterminate sentence review board is transferred to the department of corrections.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written materials in the possession of the indeterminate sentence review board shall be delivered to the custody of the department of corrections. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the indeterminate sentence review board shall be made available to the department of corrections. All funds, credits, or other assets held by the

indeterminate sentence review board shall be assigned to the department of corrections.

(b) Any appropriations made to the indeterminate sentence review board shall, on the effective date of this section, be transferred and credited to the department of corrections.

(c) If any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees of the indeterminate sentence review board are transferred to the jurisdiction of the department of corrections. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of corrections to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the indeterminate sentence review board shall be continued and acted upon by the department of corrections. All existing contracts and obligations shall remain in full force and shall be performed by the department of corrections.

(5) The transfer of the powers, duties, functions, and personnel of the indeterminate sentence review board shall not affect the validity of any act performed before the effective date of this section.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(7) All classified employees of the indeterminate sentence review board assigned to the department of corrections under this act whose positions are within an existing bargaining unit description at the department of corrections shall become a part of the existing bargaining unit at the department of corrections and shall be considered an appropriate inclusion or modification of the existing bargaining unit under the provisions of chapter 41.80 RCW.

(8) Notwithstanding any provision of this act and despite the transfer of the indeterminate sentence review board to the department of corrections, the members of the indeterminate sentence review board will possess and shall exercise independent judgment when making any decisions concerning offenders. These decisions include, but are not limited to, decisions concerning offenders' release, revocation, reinstatement, or the imposition of conditions of supervision.

**Sec. 17.** RCW 9.95.005 and 2001 2nd sp.s. c 12 s 318 are each amended to read as follows:

The board shall meet at major state correctional institutions at such times as may be necessary for a full and complete study of the cases of all convicted persons whose durations of confinement are to be determined by it; whose

community custody supervision is under the board's authority; or whose applications for parole come before it. Other times and places of meetings may also be fixed by the board.

The superintendents of the different institutions shall provide suitable quarters for the board (~~and assistants~~) while in the discharge of their duties.

**Sec. 18.** RCW 9.95.007 and 1986 c 224 s 5 are each amended to read as follows:

The board may meet and transact business in panels. Each board panel shall consist of at least two members of the board. In all matters concerning the internal affairs of the board and policy-making decisions, a majority of the full board must concur in such matters. The (~~chairman~~) chair of the board with the consent of a majority of the board may designate any two members to exercise all the powers and duties of the board in connection with any hearing before the board. If the two members so designated cannot unanimously agree as to the disposition of the hearing assigned to them, such hearing shall be reheard by the full board. All actions of the full board shall be by concurrence of a majority of the sitting board members.

**Sec. 19.** RCW 9.95.140 and 2009 c 28 s 29 are each amended to read as follows:

(1) The board shall cause a complete record to be kept of every prisoner under the jurisdiction of the board released on parole or community custody. Such records shall be organized in accordance with the most modern methods of filing and indexing so that there will be always immediately available complete information about each such prisoner. Subject to information sharing provisions related to (~~mentally ill~~) offenders with mental illness and the end of sentence review committee, (~~and the department of corrections,~~) the board may make rules as to the privacy of such records and their use by others than the board and (~~its~~) the department staff assigned to perform board-related duties. Sex offenders convicted of crimes committed before July 1, 1984, who are under the board's jurisdiction shall be subject to the determinations of the end of sentence review committee regarding risk level and subject to sex offender registration and community notification. The board and the department staff assigned to perform board-related duties shall be immune from liability for the release of information concerning sex offenders as provided in RCW 4.24.550.

The superintendents of state correctional facilities and all officers and employees thereof and all other public officials shall at all times cooperate with the board and furnish to the board (~~its officers, and employees~~) and staff assigned to perform board-related duties such information as may be necessary to enable it to perform its functions, and such superintendents and other employees shall at all times give the members of the board (~~its officers, and employees~~) and staff assigned to perform board-related duties free access to all prisoners confined in the state correctional facilities.

(2) Offenders sentenced under RCW 9.94A.507 shall be subject to the determinations of the end of sentence review committee regarding risk level and subject to sex offender registration and community notification.

(3) The end of sentence review committee shall make law enforcement notifications for offenders under board jurisdiction on the same basis that it

notifies law enforcement regarding offenders sentenced under chapter 9.94A RCW for crimes committed after July 1, 1984.

**Sec. 20.** RCW 9.95.280 and 2001 2nd sp.s. c 12 s 344 are each amended to read as follows:

The secretary, upon recommendation by the board, may deputize any person (regularly employed by another state) to act as an officer and agent of this state in effecting the return of any person convicted of a crime committed before July 1, 1984, who has violated the terms and conditions of parole or probation as granted by this state. In any matter relating to the return of such a person, any agent so deputized shall have all the powers of a police officer of this state.

**Sec. 21.** RCW 9.95.300 and 2001 2nd sp.s. c 12 s 346 are each amended to read as follows:

The secretary, upon recommendation by the board, may enter into contracts with similar officials of any other state or states for the purpose of sharing an equitable portion of the cost of effecting the return of any person who has violated the terms and conditions of parole, probation, or community custody as granted by this state.

**Sec. 22.** RCW 9.96.050 and 2009 c 325 s 4 are each amended to read as follows:

(1)(a) When an offender on parole has performed all obligations of his or her release, including any and all legal financial obligations, for such time as shall satisfy the indeterminate sentence review board that his or her final release is not incompatible with the best interests of society and the welfare of the paroled individual, the board may make a final order of discharge and issue a certificate of discharge to the offender.

(b) The board retains the jurisdiction to issue a certificate of discharge after the expiration of the offender's or parolee's maximum statutory sentence. If not earlier granted and any and all legal financial obligations have been paid, the board shall issue a final order of discharge three years from the date of parole unless the parolee is on suspended or revoked status at the expiration of the three years.

(c) The discharge, regardless of when issued, shall have the effect of restoring all civil rights not already restored by RCW 29A.08.520, and the certification of discharge shall so state.

(d) This restoration of civil rights shall not restore the right to receive, possess, own, or transport firearms.

(e) The board shall issue a certificate of discharge to the offender in person or by mail to the offender's last known address.

(2) (~~The board shall send to the department of corrections~~) A copy of every signed certificate of discharge for offender sentences under the authority of the department of corrections shall be placed in the department's files.

(3) The discharge provided for in this section shall be considered as a part of the sentence of the convicted person and shall not in any manner be construed as affecting the powers of the governor to pardon any such person.

**Sec. 23.** RCW 71.05.385 and 2009 c 320 s 2 are each amended to read as follows:

(1) A mental health service provider shall release to the persons authorized under subsection (2) of this section, upon request:

(a) The fact, place, and date of an involuntary commitment, the fact and date of discharge or release, and the last known address of a person who has been committed under this chapter.

(b) Information related to mental health services, in the format determined under subsection (9) of this section, concerning a person who:

(i) Is currently committed to the custody or supervision of the department of corrections or the indeterminate sentence review board under chapter 9.94A or 9.95 RCW;

(ii) Has been convicted or found not guilty by reason of insanity of a serious violent offense; or

(iii) Was charged with a serious violent offense and such charges were dismissed under RCW 10.77.086.

Legal counsel may release such information to the persons authorized under subsection (2) of this section on behalf of the mental health service provider, provided that nothing in this subsection shall require the disclosure of attorney work product or attorney-client privileged information.

(2) The information subject to release under subsection (1) of this section shall be released to law enforcement officers, personnel of a county or city jail, designated mental health professionals, public health officers, therapeutic court personnel, or personnel of the department of corrections, ~~((or personnel of))~~ including the indeterminate sentence review board and personnel assigned to perform board-related duties, when such information is requested during the course of business and for the purpose of carrying out the responsibilities of the requesting person's office. No mental health service provider or person employed by a mental health service provider, or its legal counsel, shall be liable for information released to or used under the provisions of this section or rules adopted under this section except under RCW 71.05.440.

(3) A person who requests information under subsection (1)(b) of this section must comply with the following restrictions:

(a) Information must be requested only for the purposes permitted by this subsection and for the purpose of carrying out the responsibilities of the requesting person's office. Appropriate purposes for requesting information under this section include:

(i) Completing presentence investigations or risk assessment reports;

(ii) Assessing a person's risk to the community;

(iii) Assessing a person's risk of harm to self or others when confined in a city or county jail;

(iv) Planning for and provision of supervision of an offender, including decisions related to sanctions for violations of conditions of community supervision; and

(v) Responding to an offender's failure to report for department of corrections supervision.

(b) Information shall not be requested under this section unless the requesting person has reasonable suspicion that the individual who is the subject of the information:

(i) Has engaged in activity indicating that a crime or a violation of community custody or parole has been committed or, based upon his or her current or recent past behavior, is likely to be committed in the near future; or



(ii) Is exhibiting signs of a deterioration in mental functioning which may make the individual appropriate for civil commitment under this chapter.

(c) Any information received under this section shall be held confidential and subject to the limitations on disclosure outlined in this chapter, except:

(i) Such information may be shared with other persons who have the right to request similar information under subsection (2) of this section, solely for the purpose of coordinating activities related to the individual who is the subject of the information in a manner consistent with the official responsibilities of the persons involved;

(ii) Such information may be shared with a prosecuting attorney acting in an advisory capacity for a person who receives information under this section. A prosecuting attorney under this subsection shall be subject to the same restrictions and confidentiality limitations as the person who requested the information; and

(iii) As provided in RCW 72.09.585.

(4) A request for information related to mental health services under this section shall not require the consent of the subject of the records. Such request shall be provided in writing, except to the extent authorized in subsection (5) of this section. A written request may include requests made by e-mail or facsimile so long as the requesting person is clearly identified. The request must specify the information being requested.

(5) In the event of an emergency situation that poses a significant risk to the public or the offender, a mental health service provider, or its legal counsel, shall release information related to mental health services delivered to the offender and, if known, information regarding where the offender is likely to be found to the department of corrections or law enforcement upon request. The initial request may be written or oral. All oral requests must be subsequently confirmed in writing. Information released in response to an oral request is limited to a statement as to whether the offender is or is not being treated by the mental health service provider and the address or information about the location or whereabouts of the offender.

(6) Disclosure under this section to state or local law enforcement authorities is mandatory for the purposes of the health insurance portability and accountability act.

(7) Whenever federal law or federal regulations restrict the release of information contained in the treatment records of any patient who receives treatment for alcoholism or drug dependency, the release of the information may be restricted as necessary to comply with federal law and regulations.

(8) This section does not modify the terms and conditions of disclosure of information related to sexually transmitted diseases under chapter 70.24 RCW.

(9) In collaboration with interested organizations, the department shall develop a standard form for requests for information related to mental health services made under this section and a standard format for information provided in response to such requests. Consistent with the goals of the health information privacy provisions of the federal health insurance portability and accountability act, in developing the standard form for responsive information, the department shall design the form in such a way that the information disclosed is limited to the minimum necessary to serve the purpose for which the information is requested.

**Sec. 24.** RCW 72.09.585 and 2004 c 166 s 5 are each amended to read as follows:

(1) When the department is determining an offender's risk management level, the department shall inquire of the offender and shall be told whether the offender is subject to court-ordered treatment for mental health services or chemical dependency services. The department shall request and the offender shall provide an authorization to release information form that meets applicable state and federal requirements and shall provide the offender with written notice that the department will request the offender's mental health and substance abuse treatment information. An offender's failure to inform the department of court-ordered treatment is a violation of the conditions of supervision if the offender is in the community and an infraction if the offender is in confinement, and the violation or infraction is subject to sanctions.

(2) When an offender discloses that he or she is subject to court-ordered mental health services or chemical dependency treatment, the department shall provide the mental health services provider or chemical dependency treatment provider with a written request for information and any necessary authorization to release information forms. The written request shall comply with rules adopted by the department of social and health services or protocols developed jointly by the department and the department of social and health services. A single request shall be valid for the duration of the offender's supervision in the community. Disclosures of information related to mental health services made pursuant to a department request shall not require consent of the offender.

(3) The information received by the department under RCW 71.05.445 or ~~((71.34.225))~~ 71.34.345 may be released to the indeterminate sentence review board as relevant to carry out its responsibility of planning and ensuring community protection with respect to persons under its jurisdiction. Further disclosure by the indeterminate sentence review board is subject to the limitations set forth in subsections (5) and (6) of this section and must be consistent with the written policy of the indeterminate sentence review board. The decision to disclose or not shall not result in civil liability for the indeterminate sentence review board or ~~((its employees))~~ staff assigned to perform board-related duties provided that the decision was reached in good faith and without gross negligence.

(4) The information received by the department under RCW 71.05.445 or ~~((71.34.225))~~ 71.34.345 may be used to meet the statutory duties of the department to provide evidence or report to the court. Disclosure to the public of information provided to the court by the department related to mental health services shall be limited in accordance with RCW 9.94A.500 or this section.

(5) The information received by the department under RCW 71.05.445 or ~~((71.34.225))~~ 71.34.345 may be disclosed by the department to other state and local agencies as relevant to plan for and provide offenders transition, treatment, and supervision services, or as relevant and necessary to protect the public and counteract the danger created by a particular offender, and in a manner consistent with the written policy established by the secretary. The decision to disclose or not shall not result in civil liability for the department or its employees so long as the decision was reached in good faith and without gross negligence. The information received by a state or local agency from the department shall remain confidential and subject to the limitations on disclosure

set forth in chapters 70.02, 71.05, and 71.34 RCW and, subject to these limitations, may be released only as relevant and necessary to counteract the danger created by a particular offender.

(6) The information received by the department under RCW 71.05.445 or ~~((71.34.225))~~ 71.34.345 may be disclosed by the department to individuals only with respect to offenders who have been determined by the department to have a high risk of reoffending by a risk assessment, as defined in RCW 9.94A.030, only as relevant and necessary for those individuals to take reasonable steps for the purpose of self-protection, or as provided in RCW 72.09.370(2). The information may not be disclosed for the purpose of engaging the public in a system of supervision, monitoring, and reporting offender behavior to the department. The department must limit the disclosure of information related to mental health services to the public to descriptions of an offender's behavior, risk he or she may present to the community, and need for mental health treatment, including medications, and shall not disclose or release to the public copies of treatment documents or records, except as otherwise provided by law. All disclosure of information to the public must be done in a manner consistent with the written policy established by the secretary. The decision to disclose or not shall not result in civil liability for the department or its employees so long as the decision was reached in good faith and without gross negligence. Nothing in this subsection prevents any person from reporting to law enforcement or the department behavior that he or she believes creates a public safety risk.

NEW SECTION. Sec. 25. RCW 4.24.5502 is decodified.

#### PART IV

#### Sentencing Guidelines Commission and Related Duties

NEW SECTION. Sec. 26. A new section is added to chapter 9.94A RCW to read as follows:

The standard sentence ranges of total and partial confinement under this chapter, except as provided in RCW 9.94A.517, are subject to the following limitations:

(1) If the maximum term in the range is one year or less, the minimum term in the range shall be no less than one-third of the maximum term in the range, except that if the maximum term in the range is ninety days or less, the minimum term may be less than one-third of the maximum;

(2) If the maximum term in the range is greater than one year, the minimum term in the range shall be no less than seventy-five percent of the maximum term in the range, except that for murder in the second degree in seriousness level XIV under RCW 9.94A.510, the minimum term in the range shall be no less than fifty percent of the maximum term in the range; and

(3) The maximum term of confinement in a range may not exceed the statutory maximum for the crime as provided in RCW 9A.20.021.

**Sec. 27.** RCW 9.94A.480 and 2002 c 290 s 16 are each amended to read as follows:

(1) A current, newly created or reworked judgment and sentence document for each felony sentencing shall record any and all recommended sentencing agreements or plea agreements and the sentences for any and all felony crimes kept as public records under RCW 9.94A.475 shall contain the clearly printed

name and legal signature of the sentencing judge. The judgment and sentence document as defined in this section shall also provide additional space for the sentencing judge's reasons for going either above or below the presumptive sentence range for any and all felony crimes covered as public records under RCW 9.94A.475. Both the sentencing judge and the prosecuting attorney's office shall each retain or receive a completed copy of each sentencing document as defined in this section for their own records.

(2) The ~~((sentencing guidelines commission))~~ caseload forecast council shall be sent a completed copy of the judgment and sentence document upon conviction for each felony sentencing under subsection (1) of this section ~~((and shall compile a yearly and cumulative judicial record of each sentencing judge in regards to his or her sentencing practices for any and all felony crimes involving:~~

(a) Any violent offense as defined in this chapter;

(b) Any most serious offense as defined in this chapter;

(c) Any felony with any deadly weapon special verdict under RCW 9.94A.602;

(d) Any felony with any deadly weapon enhancements under RCW 9.94A.533 (3) or (4), or both; and/or

(e) The felony crimes of possession of a machine gun, possessing a stolen firearm, drive by shooting, theft of a firearm, unlawful possession of a firearm in the first or second degree, and/or use of a machine gun in a felony.

(3) ~~The sentencing guidelines commission shall compare each individual judge's sentencing practices to the standard or presumptive sentence range for any and all felony crimes listed in subsection (2) of this section for the appropriate offense level as defined in RCW 9.94A.515 or 9.94A.518, offender score as defined in RCW 9.94A.525, and any applicable deadly weapon enhancements as defined in RCW 9.94A.533 (3) or (4), or both. These comparative records shall be retained and made available to the public for review in a current, newly created or reworked official published document by the sentencing guidelines commission.~~

(4) ~~Any and all felony sentences which are either above or below the standard or presumptive sentence range in subsection (3) of this section shall also mark whether the prosecuting attorney in the case also recommended a similar sentence, if any, which was either above or below the presumptive sentence range and shall also indicate if the sentence was in conjunction with an approved alternative sentencing option including a first time offender waiver, sex offender sentencing alternative, or other prescribed sentencing option.~~

~~(5))~~.

(3) If any completed judgment and sentence document as defined in subsection (1) of this section is not sent to the ~~((sentencing guidelines commission))~~ caseload forecast council as required in subsection (2) of this section, the ~~((sentencing guidelines commission))~~ caseload forecast council shall have the authority and shall undertake reasonable and necessary steps to assure that all past, current, and future sentencing documents as defined in subsection (1) of this section are received by the ~~((sentencing guidelines commission))~~ caseload forecast council.

NEW SECTION. Sec. 28. A new section is added to chapter 43.88C RCW to read as follows:

(1) The caseload forecast council shall develop and maintain a computerized adult and juvenile sentencing information system consisting of offender, offense, history, and sentence information entered from the judgment and sentence forms for all adult felons.

(2) As part of its duties in maintaining the sentencing information system, the caseload forecast council shall:

(a) On an annual basis, publish a statistical summary of adult felony sentencing and juvenile dispositions;

(b) Publish and maintain an adult felony sentencing manual; and

(c) Publish and maintain a juvenile sentencing manual.

(3) The sentencing manuals are intended only as a guide to assist practitioners in determining appropriate sentencing ranges. The manuals are not a substitute for the actual statutes, which list the sentencing ranges, or for any other information contained within this chapter. The caseload forecast council is not liable for errors or omissions in the manual, for sentences that may be inappropriately calculated as a result of a practitioner's or court's reliance on the manual, or for any other written or verbal information provided by the caseload forecast council or its staff related to adult or juvenile sentencing.

(4) In publishing materials required by this section, the caseload forecast council shall make the materials available on its web site. The caseload forecast council may charge a reasonable cost for producing and distributing hard copies of any materials.

**NEW SECTION. Sec. 29.** A new section is added to chapter 43.88C RCW to read as follows:

The caseload forecast council shall appoint a research staff of sufficient size and with sufficient resources to accomplish its duties. The caseload forecast council may request from the administrative office of the courts and the department of social and health services such data, information, and data processing assistance as it may need to accomplish its duties, and such services shall be provided without cost to the caseload forecast council.

**Sec. 30.** RCW 13.50.010 and 2010 c 150 s 3 are each amended to read as follows:

(1) For purposes of this chapter:

(a) "Juvenile justice or care agency" means any of the following: Police, diversion units, court, prosecuting attorney, defense attorney, detention center, attorney general, the legislative children's oversight committee, the office of the family and children's ombudsman, the department of social and health services and its contracting agencies, schools; persons or public or private agencies having children committed to their custody; and any placement oversight committee created under RCW 72.05.415;

(b) "Official juvenile court file" means the legal file of the juvenile court containing the petition or information, motions, memorandums, briefs, findings of the court, and court orders;

(c) "Records" means the official juvenile court file, the social file, and records of any other juvenile justice or care agency in the case;

(d) "Social file" means the juvenile court file containing the records and reports of the probation counselor.

(2) Each petition or information filed with the court may include only one juvenile and each petition or information shall be filed under a separate docket number. The social file shall be filed separately from the official juvenile court file.

(3) It is the duty of any juvenile justice or care agency to maintain accurate records. To this end:

(a) The agency may never knowingly record inaccurate information. Any information in records maintained by the department of social and health services relating to a petition filed pursuant to chapter 13.34 RCW that is found by the court to be false or inaccurate shall be corrected or expunged from such records by the agency;

(b) An agency shall take reasonable steps to assure the security of its records and prevent tampering with them; and

(c) An agency shall make reasonable efforts to insure the completeness of its records, including action taken by other agencies with respect to matters in its files.

(4) Each juvenile justice or care agency shall implement procedures consistent with the provisions of this chapter to facilitate inquiries concerning records.

(5) Any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency and who has been denied access to those records by the agency may make a motion to the court for an order authorizing that person to inspect the juvenile justice or care agency record concerning that person. The court shall grant the motion to examine records unless it finds that in the interests of justice or in the best interests of the juvenile the records or parts of them should remain confidential.

(6) A juvenile, or his or her parents, or any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency may make a motion to the court challenging the accuracy of any information concerning the moving party in the record or challenging the continued possession of the record by the agency. If the court grants the motion, it shall order the record or information to be corrected or destroyed.

(7) The person making a motion under subsection (5) or (6) of this section shall give reasonable notice of the motion to all parties to the original action and to any agency whose records will be affected by the motion.

(8) The court may permit inspection of records by, or release of information to, any clinic, hospital, or agency which has the subject person under care or treatment. The court may also permit inspection by or release to individuals or agencies, including juvenile justice advisory committees of county law and justice councils, engaged in legitimate research for educational, scientific, or public purposes. The court shall release to the ~~((sentencing guidelines commission)) caseload forecast council~~ records needed for its research and data-gathering functions ~~((under RCW 9.94A.850 and other statutes))~~. Access to records or information for research purposes shall be permitted only if the anonymity of all persons mentioned in the records or information will be preserved. Each person granted permission to inspect juvenile justice or care agency records for research purposes shall present a notarized statement to the court stating that the names of juveniles and parents will remain confidential.

(9) Juvenile detention facilities shall release records to the ~~((sentencing guidelines commission under RCW 9.94A.850))~~ caseload forecast council upon request. The commission shall not disclose the names of any juveniles or parents mentioned in the records without the named individual's written permission.

(10) Requirements in this chapter relating to the court's authority to compel disclosure shall not apply to the legislative children's oversight committee or the office of the family and children's ombudsman.

(11) For the purpose of research only, the administrative office of the courts shall maintain an electronic research copy of all records in the judicial information system related to juveniles. Access to the research copy is restricted to the Washington state center for court research. The Washington state center for court research shall maintain the confidentiality of all confidential records and shall preserve the anonymity of all persons identified in the research copy. The research copy may not be subject to any records retention schedule and must include records destroyed or removed from the judicial information system pursuant to RCW 13.50.050 (17) and (18) and 13.50.100(3).

(12) The court shall release to the Washington state office of public defense records needed to implement the agency's oversight, technical assistance, and other functions as required by RCW 2.70.020. Access to the records used as a basis for oversight, technical assistance, or other agency functions is restricted to the Washington state office of public defense. The Washington state office of public defense shall maintain the confidentiality of all confidential information included in the records.

**Sec. 31.** RCW 9.94A.74501 and 2001 c 35 s 3 are each amended to read as follows:

(1) The ~~((sentencing guidelines commission))~~ department of corrections shall serve as the state council for interstate adult offender supervision as required under article IV of RCW 9.94A.745, the interstate compact for adult offender supervision. ~~((To assist the commission in performing its functions as the state council, the department of corrections shall provide staffing and support services.))~~ The ~~((commission))~~ department of corrections may form a subcommittee, including members representing the legislative, judicial, and executive branches of state government, and victims' groups ~~((and the secretary of corrections,))~~ to perform the functions of the state council. Any such subcommittee shall include representation of both houses and at least two of the four largest political caucuses in the legislature.

(2) The ~~((commission,))~~ department or a subcommittee if formed for that purpose, shall:

(a) Review department operations and procedures under RCW 9.94A.745, and recommend policies to the compact administrator, including policies to be pursued in the administrator's capacity as the state's representative on the interstate commission created under article III of RCW 9.94A.745; and

(b) Report annually to the legislature on interstate supervision operations and procedures under RCW 9.94A.745, including recommendations for policy changes ~~((and~~

~~((c) Not later than December 1, 2004, report to the legislature on the effectiveness of its functioning as the state council under article IV of RCW 9.94A.745, and recommend any legislation it deems appropriate)).~~

(3) The ~~((commission, or a subcommittee if formed for that purpose,))~~ secretary shall appoint ~~((one of its members, or))~~ an employee of the department ~~((designated by the secretary)), or a subcommittee if formed for that purpose~~ shall appoint one of its members, to represent the state at meetings of the interstate commission created under article III of RCW 9.94A.745 when the compact administrator cannot attend.

**Sec. 32.** RCW 10.98.140 and 1987 c 462 s 4 are each amended to read as follows:

(1) The section, the department, and the office of financial management shall be the primary sources of information for criminal justice forecasting. The information maintained by these agencies shall be complete, accurate, and sufficiently timely to support state criminal justice forecasting.

(2) The ~~((office of financial management shall be the official state agency for the sentenced felon jail forecast. This forecast shall provide at least a six-year projection and shall be published by December 1 of every even-numbered year beginning with 1986. The office of financial management shall seek advice regarding the assumptions in the forecast from criminal justice agencies and associations.~~

(3) ~~The sentencing guidelines commission))~~ caseload forecast council shall keep records on all sentencings above or below the standard range defined by chapter 9.94A RCW. As a minimum, the records shall include the name of the offender, the crimes for which the offender was sentenced, the name and county of the sentencing judge, and the deviation from the standard range. Such records shall be made available to public officials upon request.

**Sec. 33.** RCW 10.98.160 and 2005 c 282 s 25 are each amended to read as follows:

In the development and modification of the procedures, definitions, and reporting capabilities of the section, the department, the office of financial management, and the responsible agencies and persons shall consider the needs of other criminal justice agencies such as the administrative office of the courts, local law enforcement agencies, local jails, ~~((the sentencing guidelines commission,))~~ the indeterminate sentence review board, the clemency board, prosecuting attorneys, and affected state agencies such as the office of financial management and legislative committees dealing with criminal justice issues. The Washington integrated justice information board shall review and provide recommendations to state justice agencies and the courts for development and modification of the statewide justice information network.

**Sec. 34.** RCW 70.96A.350 and 2009 c 479 s 50 and 2009 c 445 s 1 are each reenacted and amended to read as follows:

(1) The criminal justice treatment account is created in the state treasury. Moneys in the account may be expended solely for: (a) Substance abuse treatment and treatment support services for offenders with an addiction or a substance abuse problem that, if not treated, would result in addiction, against whom charges are filed by a prosecuting attorney in Washington state; (b) the provision of drug and alcohol treatment services and treatment support services for nonviolent offenders within a drug court program; (c) the administrative and overhead costs associated with the operation of a drug court; and (d) during the 2007-2009 biennium, operation of the integrated crisis response and intensive



case management pilots contracted with the department of social and health services division of alcohol and substance abuse. Moneys in the account may be spent only after appropriation.

(2) For purposes of this section:

(a) "Treatment" means services that are critical to a participant's successful completion of his or her substance abuse treatment program, but does not include the following services: Housing other than that provided as part of an inpatient substance abuse treatment program, vocational training, and mental health counseling; and

(b) "Treatment support" means transportation to or from inpatient or outpatient treatment services when no viable alternative exists, and child care services that are necessary to ensure a participant's ability to attend outpatient treatment sessions.

(3) Revenues to the criminal justice treatment account consist of: (a) Funds transferred to the account pursuant to this section; and (b) any other revenues appropriated to or deposited in the account.

(4)(a) For the fiscal biennium beginning July 1, 2003, the state treasurer shall transfer eight million nine hundred fifty thousand dollars from the general fund into the criminal justice treatment account, divided into eight equal quarterly payments. For the fiscal year beginning July 1, 2005, and each subsequent fiscal year, the state treasurer shall transfer eight million two hundred fifty thousand dollars from the general fund to the criminal justice treatment account, divided into four equal quarterly payments. For the fiscal year beginning July 1, 2006, and each subsequent fiscal year, the amount transferred shall be increased on an annual basis by the implicit price deflator as published by the federal bureau of labor statistics.

(b) In each odd-numbered year, the legislature shall appropriate the amount transferred to the criminal justice treatment account in (a) of this subsection to the division of alcohol and substance abuse for the purposes of subsection (5) of this section.

(5) Moneys appropriated to the division of alcohol and substance abuse from the criminal justice treatment account shall be distributed as specified in this subsection. The department shall serve as the fiscal agent for purposes of distribution. Until July 1, 2004, the department may not use moneys appropriated from the criminal justice treatment account for administrative expenses and shall distribute all amounts appropriated under subsection (4)(b) of this section in accordance with this subsection. Beginning in July 1, 2004, the department may retain up to three percent of the amount appropriated under subsection (4)(b) of this section for its administrative costs.

(a) Seventy percent of amounts appropriated to the division from the account shall be distributed to counties pursuant to the distribution formula adopted under this section. The division of alcohol and substance abuse, in consultation with the department of corrections, ~~((the sentencing guidelines commission,))~~ the Washington state association of counties, the Washington state association of drug court professionals, the superior court judges' association, the Washington association of prosecuting attorneys, representatives of the criminal defense bar, representatives of substance abuse treatment providers, and any other person deemed by the division to be necessary, shall establish a fair and reasonable methodology for distribution to counties of

moneys in the criminal justice treatment account. County or regional plans submitted for the expenditure of formula funds must be approved by the panel established in (b) of this subsection.

(b) Thirty percent of the amounts appropriated to the division from the account shall be distributed as grants for purposes of treating offenders against whom charges are filed by a county prosecuting attorney. The division shall appoint a panel of representatives from the Washington association of prosecuting attorneys, the Washington association of sheriffs and police chiefs, the superior court judges' association, the Washington state association of counties, the Washington defender's association or the Washington association of criminal defense lawyers, the department of corrections, the Washington state association of drug court professionals, substance abuse treatment providers, and the division. The panel shall review county or regional plans for funding under (a) of this subsection and grants approved under this subsection. The panel shall attempt to ensure that treatment as funded by the grants is available to offenders statewide.

(6) The county alcohol and drug coordinator, county prosecutor, county sheriff, county superior court, a substance abuse treatment provider appointed by the county legislative authority, a member of the criminal defense bar appointed by the county legislative authority, and, in counties with a drug court, a representative of the drug court shall jointly submit a plan, approved by the county legislative authority or authorities, to the panel established in subsection (5)(b) of this section, for disposition of all the funds provided from the criminal justice treatment account within that county. The funds shall be used solely to provide approved alcohol and substance abuse treatment pursuant to RCW 70.96A.090, treatment support services, and for the administrative and overhead costs associated with the operation of a drug court.

(a) No more than ten percent of the total moneys received under subsections (4) and (5) of this section by a county or group of counties participating in a regional agreement shall be spent on the administrative and overhead costs associated with the operation of a drug court.

(b) No more than ten percent of the total moneys received under subsections (4) and (5) of this section by a county or group of counties participating in a regional agreement shall be spent for treatment support services.

(7) Counties are encouraged to consider regional agreements and submit regional plans for the efficient delivery of treatment under this section.

(8) Moneys allocated under this section shall be used to supplement, not supplant, other federal, state, and local funds used for substance abuse treatment.

(9) Counties must meet the criteria established in RCW 2.28.170(3)(b).

(10) The authority under this section to use funds from the criminal justice treatment account for the administrative and overhead costs associated with the operation of a drug court expires June 30, 2013.

**Sec. 35.** RCW 72.66.016 and 1983 c 255 s 8 are each amended to read as follows:

(1) A furlough shall not be granted to a resident if the furlough would commence prior to the time the resident has served the minimum amounts of time provided under this section:

(a) If his or her minimum term of imprisonment is longer than twelve months, he or she shall have served at least six months of the term;

(b) If his or her minimum term of imprisonment is less than twelve months, he or she shall have served at least ninety days and shall have no longer than six months left to serve on his or her minimum term;

(c) If he or she is serving a mandatory minimum term of confinement, he or she shall have served all but the last six months of such term.

(2) A person convicted and sentenced for a violent offense as defined in RCW 9.94A.030 is not eligible for furlough until the person has served at least one-half of the minimum term ~~((as established by the board of prison terms and paroles or the sentencing guidelines commission))~~.

**Sec. 36.** RCW 9.94A.860 and 2001 2nd sp.s. c 12 s 311 are each amended to read as follows:

(1) The sentencing guidelines commission is hereby created, located within the office of financial management. Except as provided in RCW 9.94A.875, the commission shall serve to advise the governor and the legislature as necessary on issues relating to adult and juvenile sentencing. The commission may meet, as necessary, to accomplish these purposes within funds appropriated.

(2) The commission consists of twenty voting members, one of whom the governor shall designate as chairperson. With the exception of ex officio voting members, the voting members of the commission shall be appointed by the governor, or his or her designee, subject to confirmation by the senate.

~~((2))~~ (3) The voting membership consists of the following:

(a) The head of the state agency having general responsibility for adult correction programs, as an ex officio member;

(b) The director of financial management or designee, as an ex officio member;

(c) The chair of the indeterminate sentence review board, as an ex officio member;

(d) The head of the state agency, or the agency head's designee, having responsibility for juvenile corrections programs, as an ex officio member;

(e) Two prosecuting attorneys;

(f) Two attorneys with particular expertise in defense work;

(g) Four persons who are superior court judges;

(h) One person who is the chief law enforcement officer of a county or city;

(i) Four members of the public who are not prosecutors, defense attorneys, judges, or law enforcement officers, one of whom is a victim of crime or a crime victims' advocate;

(j) One person who is an elected official of a county government, other than a prosecuting attorney or sheriff;

(k) One person who is an elected official of a city government;

(l) One person who is an administrator of juvenile court services.

In making the appointments, the governor shall endeavor to assure that the commission membership includes adequate representation and expertise relating to both the adult criminal justice system and the juvenile justice system. In making the appointments, the governor shall seek the recommendations of Washington prosecutors in respect to the prosecuting attorney members, of the Washington state bar association in respect to the defense attorney members, of the association of superior court judges in respect to the members who are judges, of the Washington association of sheriffs and police chiefs in respect to the member who is a law enforcement officer, of the Washington state

association of counties in respect to the member who is a county official, of the association of Washington cities in respect to the member who is a city official, of the office of crime victims advocacy and other organizations of crime victims in respect to the member who is a victim of crime or a crime victims' advocate, and of the Washington association of juvenile court administrators in respect to the member who is an administrator of juvenile court services.

~~((3))~~ (4)(a) All voting members of the commission, except ex officio voting members, shall serve terms of three years and until their successors are appointed and confirmed.

(b) The governor shall stagger the terms of the members appointed under subsection ~~((2))~~ (3)(j), (k), and (l) of this section by appointing one of them for a term of one year, one for a term of two years, and one for a term of three years.

~~((4))~~ (5) The speaker of the house of representatives and the president of the senate may each appoint two nonvoting members to the commission, one from each of the two largest caucuses in each house. The members so appointed shall serve two-year terms, or until they cease to be members of the house from which they were appointed, whichever occurs first.

~~((5))~~ (6) The members of the commission ~~((shall))~~ may be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Legislative members ~~((shall))~~ may be reimbursed by their respective houses as provided under RCW 44.04.120. Except for the reimbursement of travel expenses, members shall not be compensated ~~((in accordance with RCW 43.03.250))~~.

**Sec. 37.** RCW 9.94A.8673 and 2008 c 249 s 3 are each amended to read as follows:

(1) Within funds appropriated for this purpose, the sentencing guidelines commission shall establish and maintain a sex offender policy board.

(2)(a) The board shall serve to advise the governor and the legislature as necessary on issues relating to sex offender management.

(b) At such times as the governor or a legislative committee of jurisdiction may request, the sex offender policy board may be convened to:

(i) Undertake projects to assist policymakers in making informed judgments about issues relating to sex offender policy; and

(ii) Conduct case reviews of sex offense incidents to understand performance of Washington's sex offender prevention and response systems.

(3) The sex offender policy board shall consist of thirteen voting members. Unless the member is specifically named in this section, the following organizations shall designate a person to sit on the board. The voting membership shall consist of the following:

(a) A representative of the Washington association of sheriffs and police chiefs;

(b) A representative of the Washington association of prosecuting attorneys;

(c) A representative of the Washington association of criminal defense lawyers;

(d) The chair of the indeterminate sentence review board or his or her designee;

(e) A representative of the Washington association for the treatment of sex abusers;

(f) The secretary of the department of corrections or his or her designee;

(g) A representative of the Washington state superior court judge's association;

(h) The assistant secretary of the juvenile rehabilitation administration or his or her designee;

(i) The office of crime victims advocacy in the department of ~~((community, trade, and economic development))~~ commerce;

(j) A representative of the Washington state association of counties;

(k) A representative of the association of Washington cities;

(l) A representative of the Washington association of sexual assault programs; and

(m) The director of the special commitment center or his or her designee.

~~((2) The person so named in subsection (1) of this section has the authority to make decisions on behalf of the organization he or she represents.~~

~~(3) The nonvoting membership shall consist of the following:~~

~~(a) Two members of the sentencing guidelines commission chosen by the chair of the commission; and~~

~~(b) A representative of the criminal justice division in the attorney general's office.)~~

(4) The board shall choose its chair by majority vote from among its voting membership. The chair's term shall be two years.

~~(5) ((The chair of the sentencing guidelines commission shall convene the first meeting.~~

~~(6)) As appropriate, the board shall consult with the criminal justice division in the attorney general's office and the Washington institute for public policy ((shall act as an advisor to the board)).~~

(6) Members of the board shall receive no compensation but may be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

**Sec. 38.** RCW 9A.52.025 and 1989 2nd ex.s. c 1 s 1 are each amended to read as follows:

(1) A person is guilty of residential burglary if, with intent to commit a crime against a person or property therein, the person enters or remains unlawfully in a dwelling other than a vehicle.

(2) Residential burglary is a class B felony. In establishing sentencing guidelines and disposition standards, ~~((the sentencing guidelines commission and the juvenile disposition standards commission shall consider))~~ residential burglary ~~((as))~~ is to be considered a more serious offense than second degree burglary.

**NEW SECTION. Sec. 39.** The following acts or parts of acts are each repealed:

(1) RCW 13.40.005 (Juvenile disposition standards commission—Abolished—References to commission—Transfer of powers, duties, and functions) and 1995 c 269 s 301;

(2) RCW 9.94A.850 (Sentencing guidelines commission—Established—Powers and duties) and 2009 c 375 s 8, 2009 c 28 s 17, & 2005 c 282 s 19;

(3) RCW 9.94A.855 (Sentencing guidelines commission—Research staff—Data, information, assistance—Bylaws—Salary of executive officer) and 2005 c 282 s 20, 1999 c 143 s 10, 1982 c 192 s 3, & 1981 c 137 s 5;

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(4) RCW 9.94A.863 (Monetary threshold amounts of property crimes—Review—Report) and 2009 c 431 s 2;

(5) RCW 9.94A.8671 (Sex offender policy board—Findings—Intent) and 2008 c 249 s 1;

(6) RCW 9.94A.8672 (Sex offender policy board—Establishment) and 2008 c 249 s 2;

(7) RCW 9.94A.8674 (Sex offender policy board—Terms—Vacancies) and 2008 c 249 s 4;

(8) RCW 9.94A.8675 (Sex offender policy board—Authority) and 2008 c 249 s 5;

(9) RCW 9.94A.8676 (Sex offender policy board—Duties) and 2008 c 249 s 6;

(10) RCW 9.94A.8677 (Sex offender policy board—Travel expenses) and 2008 c 249 s 7;

(11) RCW 9.94A.8678 (Sex offender policy board—Meeting attendance—Member replacement) and 2008 c 249 s 8;

(12) RCW 43.131.411 (Sex offender policy board—Termination) and 2008 c 249 s 9; and

(13) RCW 43.131.412 (Sex offender policy board—Repeal) and 2008 c 249 s 10.

**Sec. 40.** RCW 9.95.011 and 2009 c 28 s 21 are each amended to read as follows:

(1) When the court commits a convicted person to the department of corrections on or after July 1, 1986, for an offense committed before July 1, 1984, the court shall, at the time of sentencing or revocation of probation, fix the minimum term. The term so fixed shall not exceed the maximum sentence provided by law for the offense of which the person is convicted.

The court shall attempt to set the minimum term reasonably consistent with the purposes, standards, and sentencing ranges (~~adopted under RCW 9.94A.850~~) under chapter 9.94A RCW of the sentencing reform act, but the court is subject to the same limitations as those placed on the board under RCW 9.92.090, 9.95.040 (1) through (4), 9.95.115, 9A.32.040, 9A.44.045, and chapter 69.50 RCW. The court's minimum term decision is subject to review to the same extent as a minimum term decision by the parole board before July 1, 1986.

Thereafter, the expiration of the minimum term set by the court minus any time credits earned under RCW 9.95.070 and 9.95.110 constitutes the parole eligibility review date, at which time the board may consider the convicted person for parole under RCW 9.95.100 and 9.95.110 and chapter 72.04A RCW. Nothing in this section affects the board's authority to reduce or increase the minimum term, once set by the court, under RCW 9.95.040, 9.95.052, 9.95.055, 9.95.070, 9.95.080, 9.95.100, 9.95.115, 9.95.125, or 9.95.047.

(2)(a) Except as provided in (b) of this subsection, not less than ninety days prior to the expiration of the minimum term of a person sentenced under RCW 9.94A.507, for a sex offense committed on or after September 1, 2001, less any time credits permitted by statute, the board shall review the person for conditional release to community custody as provided in RCW 9.95.420. If the board does not release the person, it shall set a new minimum term not to exceed an additional five years. The board shall review the person again not less than ninety days prior to the expiration of the new minimum term.

(b) If at the time a person sentenced under RCW 9.94A.507 for a sex offense committed on or after September 1, 2001, arrives at a department of corrections facility, the offender's minimum term has expired or will expire within one hundred twenty days of the offender's arrival, then no later than one hundred twenty days after the offender's arrival at a department of corrections facility, but after the board receives the results from the end of sentence review process and the recommendations for additional or modified conditions of community custody from the department, the board shall review the person for conditional release to community custody as provided in RCW 9.95.420. If the board does not release the person, it shall set a new minimum term not to exceed an additional five years. The board shall review the person again not less than ninety days prior to the expiration of the new minimum term.

(c) In setting a new minimum term, the board may consider the length of time necessary for the offender to complete treatment and programming as well as other factors that relate to the offender's release under RCW 9.95.420. The board's rules shall permit an offender to petition for an earlier review if circumstances change or the board receives new information that would warrant an earlier review.

**Sec. 41.** RCW 9.95.009 and 1990 c 3 s 707 are each amended to read as follows:

(1) On July 1, 1986, the board of prison terms and paroles shall be redesignated as the indeterminate sentence review board. The board's membership shall be reduced as follows: On July 1, 1986, and on July 1st of each year until 1998, the number of board members shall be reduced in a manner commensurate with the board's remaining workload as determined by the office of financial management based upon its population forecast for the indeterminate sentencing system and in conjunction with the budget process. To meet the statutory obligations of the indeterminate sentence review board, the number of board members shall not be reduced to fewer than three members, although the office of financial management may designate some or all members as part-time members and specify the extent to which they shall be less than full-time members. Any reduction shall take place by the expiration, on that date, of the term or terms having the least time left to serve.

(2) After July 1, 1984, the board shall continue its functions with respect to persons convicted of crimes committed prior to July 1, 1984, and committed to the department of corrections. When making decisions on duration of confinement, including those relating to persons committed under a mandatory life sentence, and parole release under RCW 9.95.100 and 9.95.110, the board shall consider the purposes, standards, and sentencing ranges (~~adopted pursuant to RCW 9.94A.850~~) under chapter 9.94A RCW of the sentencing reform act and the minimum term recommendations of the sentencing judge and prosecuting attorney, and shall attempt to make decisions reasonably consistent with those ranges, standards, purposes, and recommendations: **PROVIDED,** That the board and its successors shall give adequate written reasons whenever a minimum term or parole release decision is made which is outside the sentencing ranges (~~adopted pursuant to RCW 9.94A.850~~) under chapter 9.94A RCW of the sentencing reform act. In making such decisions, the board and its successors shall consider the different charging and disposition practices under the indeterminate sentencing system.

(3) Notwithstanding the provisions of subsection (2) of this section, the indeterminate sentence review board shall give public safety considerations the highest priority when making all discretionary decisions on the remaining indeterminate population regarding the ability for parole, parole release, and conditions of parole.

**PART V**  
**Miscellaneous**

NEW SECTION. Sec. 42. (1) Except as otherwise provided in this section, the provisions of this act apply to persons convicted before, on, or after the effective date of this section.

(2) By January 1, 2012, consistent with RCW 9.94A.171, 9.94A.501, and section 3 of this act, the department of corrections shall recalculate the term of community custody for offenders currently in confinement or serving a term of community custody. The department of corrections shall reset the date that community custody will end for those offenders. The recalculation shall not extend a term of community custody beyond that to which an offender is currently subject.

(3) By January 1, 2012, consistent with the provisions of RCW 9.94A.650, the department of corrections shall recalculate the term of community custody for each offender sentenced to a first-time offender waiver under RCW 9.94A.650 and currently in confinement or serving a term of community custody. The department of corrections shall reset the date that community custody will end for those offenders. The recalculation shall not extend a term of community custody beyond that to which an offender is currently subject.

NEW SECTION. Sec. 43. 2011 c 96 s 11 is repealed.

NEW SECTION. Sec. 44. Sections 1 through 9 and 42 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

NEW SECTION. Sec. 45. Section 43 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2011.

Passed by the Senate May 25, 2011.

Passed by the House May 24, 2011.

Approved by the Governor June 15, 2011.

Filed in Office of Secretary of State June 15, 2011.

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**CHAPTER 41**

[Substitute Senate Bill 5912]

**FAMILY PLANNING SERVICES**

AN ACT Relating to the expansion of family planning services to two hundred fifty percent of the federal poverty level; amending RCW 74.09.659; adding a new section to chapter 74.09 RCW; and creating a new section.

Be it enacted by the Legislature of the State of Washington:



**NEW SECTION. Sec. 1.** A new section is added to chapter 74.09 RCW to read as follows:

The legislature finds that:

(1) Over half of all births in Washington state are covered by public programs;

(2) Research has demonstrated that children of unintended pregnancies receive less prenatal care and are at higher risk for premature birth, low birth weight, neurological disorders, and poor academic performance;

(3) In Washington state, over fifty percent of unintended pregnancies occur in women age twenty-five years and older;

(4) Washington state's take charge program has been successful in helping women avoid unintended pregnancies; however, when the caseload declined due to federally mandated changes, the rate of unintended pregnancies increased dramatically;

(5) Expanding family planning services to cover women to two hundred fifty percent of the federal poverty level would align that program's eligibility standard with income eligibility for publicly funded maternity care service; and

(6) Such an expansion would reduce unintended pregnancies and associated costs to the state.

**Sec. 2.** RCW 74.09.659 and 2009 c 545 s 5 are each amended to read as follows:

(1) The department shall continue to submit applications for the family planning waiver program.

(2) The department shall submit a request to the federal department of health and human services to amend the current family planning waiver program as follows:

(a) Provide coverage for sexually transmitted disease testing and treatment;

(b) Return to the eligibility standards used in 2005 including, but not limited to, citizenship determination based on declaration or matching with federal social security databases, insurance eligibility standards comparable to 2005, and confidential service availability for minors and survivors of domestic and sexual violence; and

(c) ~~((Within available funds;))~~ By September 30, 2011, submit an application to increase income eligibility to two hundred fifty percent of the federal poverty level, to correspond with income eligibility for publicly funded maternity care services.

**NEW SECTION. Sec. 3.** Upon implementation of the expansion directed in RCW 74.09.659, the office of financial management shall reduce general fund—state allotments for the medical assistance program by one million five hundred thousand dollars for fiscal year 2012 and by two million three hundred fifty thousand dollars for fiscal year 2013. The amounts reduced from allotments shall be placed in reserve status and remain unexpended.

Passed by the Senate May 17, 2011.

Passed by the House May 22, 2011.

Approved by the Governor June 15, 2011.

Filed in Office of Secretary of State June 15, 2011.

## CHAPTER 42

[Engrossed Substitute Senate Bill 5921]

## WORKFIRST PROGRAM—TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

AN ACT Relating to social services; amending RCW 74.08A.260, 74.08A.290, 74.08A.010, 74.08.025, 74.08A.250, 74.20.040, 74.20.330, 43.215.135, 74.08.580, 66.16.041, 9.46.410, 74.04.012, 43.20A.605, and 49.60.210; adding a new section to chapter 74.12 RCW; adding a new section to chapter 74.08A RCW; adding a new section to chapter 43.215 RCW; adding a new section to chapter 66.24 RCW; adding a new section to chapter 18.300 RCW; adding a new section to chapter 18.185 RCW; adding new sections to chapter 74.04 RCW; adding a new section to chapter 43.09 RCW; adding a new section to chapter 43.20A RCW; creating new sections; prescribing penalties; providing effective dates; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION. Sec. 1.** The legislature finds that stable and sustainable employment is the key goal of the WorkFirst and temporary assistance for needy families programs. Achieving stable and sustainable employment is a developmental process that takes time, effort, and engagement. In times of fiscal challenge, temporary assistance for needy families and WorkFirst resources must be invested in program elements that produce the best results for low-income families and the state of Washington.

The legislature further finds that the core tenets that are the foundation of Washington state's WorkFirst program are: (1) Achieving stable and successful employment; (2) recognizing the critical role that participants play in their children's development, healthy growth, and promotion of family stability; (3) developing strategies founded on the principle that WorkFirst is a transitional, not long-term, program to assist families on the pathway to self-sufficiency while holding them accountable; and (4) leveraging resources outside the funding for temporary assistance for needy families is crucial to achieving WorkFirst goals. It is the intent of the legislature, using evidence-based and research-based practices, to develop a road map to self-sufficiency for WorkFirst participants and temporary assistance for needy families recipients.

The legislature further finds that parents are responsible for the support of their children and that they have up to sixty months of receipt of temporary assistance for needy families benefits, absent any applicable hardship extension, to achieve stable and sustainable employment or find other means to support their family. It is the intent of the legislature to apply a sixty-month time limit to the temporary assistance for needy families program, including households in which a parent is in the home and ineligible for temporary assistance for needy families. The legislature intends that hardship extensions be applied to families subject to time limits.

**Sec. 2.** RCW 74.08A.260 and 2009 c 85 s 2 are each amended to read as follows:

(1) Each recipient shall be assessed after determination of program eligibility and before referral to job search. Assessments shall be based upon factors that are critical to obtaining employment, including but not limited to education, availability of child care, history of family violence, history of substance abuse, and other factors that affect the ability to obtain employment. Assessments may be performed by the department or by a contracted entity. The assessment shall be based on a uniform, consistent, transferable format that will be accepted by all agencies and organizations serving the recipient.

(2) Based on the assessment, an individual responsibility plan shall be prepared that: (a) Sets forth an employment goal and a plan for maximizing the recipient's success at meeting the employment goal; (b) considers WorkFirst educational and training programs from which the recipient could benefit; (c) contains the obligation of the recipient to participate in the program by complying with the plan; (d) moves the recipient into full-time WorkFirst activities as quickly as possible; and (e) describes the services available to the recipient either during or after WorkFirst to enable the recipient to obtain and keep employment and to advance in the workplace and increase the recipient's wage earning potential over time.

~~((2))~~ (3) Recipients who are not engaged in work and work activities, and do not qualify for a good cause exemption under RCW 74.08A.270, shall engage in self-directed service as provided in RCW 74.08A.330.

~~((3))~~ (4) If a recipient refuses to engage in work and work activities required by the department, the family's grant shall be reduced by the recipient's share, and may, if the department determines it appropriate, be terminated.

~~((4))~~ (5) The department may waive the penalties required under subsection ~~((3))~~ (4) of this section, subject to a finding that the recipient refused to engage in work for good cause provided in RCW 74.08A.270.

~~((5) In implementing this section, the department shall assign the highest priority to the most employable clients, including adults in two-parent families and parents in single-parent families that include older preschool or school-age children to be engaged in work activities.)~~

(6) In consultation with the recipient, the department or contractor shall place the recipient into a work activity that is available in the local area where the recipient resides.

(7) Assessments conducted under this section shall include a consideration of the potential benefit to the recipient of engaging in financial literacy activities. The department shall consider the options for financial literacy activities available in the community, including information and resources available through the financial ~~(literacy)~~ education public-private partnership created under RCW 28A.300.450. The department may authorize up to ten hours of financial literacy activities as a core activity or an optional activity under WorkFirst.

(8)(a) From July 1, 2011, through June 30, 2012, subsections (2) through (6) of this section are suspended for a recipient who is a parent or other relative personally providing care for one child under the age of two years, or two or more children under the age of six years. This suspension applies to both one and two parent families. However, both parents in a two-parent family cannot use the suspension during the same month. Beginning July 1, 2012, the department shall phase in the work activity requirements that were suspended, beginning with those recipients closest to reaching the sixty-month limit of receiving temporary assistance for needy families under RCW 74.08A.010(1). The phase in shall be accomplished so that a fairly equal number of recipients required to participate in work activities are returned to those activities each month until the total number required to participate is participating by June 30, 2013. Nothing in this subsection shall prevent a recipient from participating in the WorkFirst program on a voluntary basis. Recipients who participate in the WorkFirst program on a voluntary basis shall be provided an option to

participate in the program on a part-time basis, consisting of sixteen or fewer hours of activities per week. Recipients also may participate voluntarily on a full-time basis.

(b)(i) The period of suspension of work activities under this subsection provides an opportunity for the legislative and executive branches to oversee redesign of the WorkFirst program. To realize this opportunity, both during the period of suspension and following reinstatement of work activity requirements as redesign is being implemented, a legislative-executive WorkFirst oversight task force is established, with members as provided in this subsection (8)(b).

(ii) The president of the senate shall appoint two members from each of the two largest caucuses of the senate.

(iii) The speaker of the house of representatives shall appoint two members from each of the two largest caucuses of the house of representatives.

(iv) The governor shall appoint members representing the department of social and health services, the department of early learning, the department of commerce, the employment security department, the office of financial management, and the state board for community and technical colleges.

(v) The task force shall choose cochairs, one from among the legislative members and one from among the executive branch members. The legislative members shall convene the initial meeting of the task force.

(c) The task force shall:

(i) Oversee the partner agencies' implementation of the redesign of the WorkFirst program and operation of the temporary assistance for needy families program to ensure that the programs are achieving desired outcomes for their clients;

(ii) Determine evidence-based outcome measures for the WorkFirst program, including measures related to equitably serving the needs of historically underrepresented populations, such as English language learners, immigrants, refugees, and other diverse communities;

(iii) Develop accountability measures for WorkFirst recipients and the state agencies responsible for their progress toward self-sufficiency;

(iv) Make recommendations to the governor and the legislature regarding:

(A) Policies to improve the effectiveness of the WorkFirst program over time;

(B) Early identification of those recipients most likely to experience long stays on the program and strategies to improve their ability to achieve progress toward self-sufficiency; and

(C) Necessary changes to the program, including taking into account federal changes to the temporary assistance for needy families program.

(d) The partner agencies must provide the task force with regular reports on:

(i) The partner agencies' progress toward meeting the outcome and performance measures established under (c) of this subsection;

(ii) Caseload trends and program expenditures, and the impact of those trends and expenditures on client services, including services to historically underrepresented populations; and

(iii) The characteristics of families who have been unsuccessful on the program and have lost their benefits either through sanction or the sixty-month time limit.

(e) Staff support for the task force must be provided by senate committee services, the house of representatives office of program research, and the state agency members of the task force.

(f) The task force shall meet on a quarterly basis beginning September 2011, or as determined necessary by the task force cochairs.

(g) During its tenure, the state agency members of the task force shall respond in a timely manner to data requests from the cochairs.

*\*Sec. 3. RCW 74.08A.290 and 1997 c 58 s 316 are each amended to read as follows:*

*(1) ~~((It is the intent of the legislature that))~~ On or before July 1, 2012, the department ~~((is authorized to))~~ shall engage in competitive contracting using performance-based contracts to provide all WorkFirst work activities ~~((authorized in chapter 58, Laws of 1997, including the job search component authorized in section 312 of this act)).~~*

*(2) The department ~~((may))~~ shall use competitive performance-based contracting to select ~~((which vendors will participate))~~ the public or private vendors to provide work activity services in the WorkFirst program. WorkFirst work activity services provided by partner agencies also shall be pursuant to performance-based contracts. Performance-based contracts shall be awarded based on factors that include but are not limited to the criteria listed in RCW 74.08A.410, past performance of the contractor, demonstrated ability to perform the contract effectively, financial strength of the contractor, and merits of the proposal for services submitted by the contractor. Contracts shall be made without regard to whether the contractor is a public or private entity.*

*(3) The department ~~((may))~~ shall contract for an evaluation of the competitive contracting practices and outcomes to be performed by ~~((an independent entity with expertise in government privatization and competitive strategies))~~ the Washington state institute for public policy. The evaluation shall include ~~((quarterly))~~ annual progress reports to the appropriate policy and fiscal committees of the legislature and to the governor, starting ~~((at the first quarter after the effective date of the first competitive contract and ending two years after the effective date of the first competitive contract))~~ June 30, 2012.*

*(4) The department shall work with the legislative-executive WorkFirst oversight task force established under RCW 74.08A.260 to develop appropriate outcomes by which the contractor's performance will be measured. The outcomes shall be developed no later than November 30, 2011.*

*(5) The department shall seek independent assistance in developing contracting strategies to implement this section. Assistance may include but is not limited to development of contract language, design of requests for proposal, developing full cost information on government services, evaluation of bids, and providing for equal competition between private and public entities.*

*\*Sec. 3 was vetoed. See message at end of chapter.*

NEW SECTION. Sec. 4. A new section is added to chapter 74.12 RCW to read as follows:

The department shall adopt rules, effective November 1, 2011, establishing income eligibility for temporary assistance for needy families benefits for a child, other than a foster child, who lives with a caregiver other than his or her

parents. The department shall establish a sliding scale benefit standard for a child when the income of the child's caregiver is above two hundred percent but below three hundred percent of the federal poverty level based on family size. A caregiver with an income above three hundred percent of the federal poverty level shall not be eligible for temporary assistance for needy families benefits for a child, not a foster child, who is residing with that caregiver.

NEW SECTION. Sec. 5. A new section is added to chapter 74.08A RCW to read as follows:

In determining the income eligibility of an applicant or recipient for temporary assistance for needy families or WorkFirst, the department shall not count the federal supplemental security income received by a household member.

Sec. 6. RCW 74.08A.010 and 2004 c 54 s 4 are each amended to read as follows:

(1) A family that includes an adult who has received temporary assistance for needy families for sixty months after July 27, 1997, shall be ineligible for further temporary assistance for needy families assistance.

(2) For the purposes of applying the rules of this section, the department shall count any month in which an adult family member received a temporary assistance for needy families cash assistance grant unless the assistance was provided when the adult family member was a minor child and not the head of the household or married to the head of the household.

(3) The department shall adopt regulations to apply the sixty-month time limit to households in which a parent is in the home and ineligible for temporary assistance for needy families. Any regulations shall be consistent with federal funding requirements.

(4) The department shall refer recipients who require specialized assistance to appropriate department programs, crime victims' programs through the department of ~~((community, trade, and economic development))~~ commerce, or the crime victims' compensation program of the department of labor and industries.

~~((4))~~ (5) The department may exempt a recipient and the recipient's family from the application of subsection (1) of this section by reason of hardship or if the recipient meets the family violence options of section 402(A)(7) of Title IVA of the federal social security act as amended by P.L. 104-193. ~~((The number of recipients and their families exempted from subsection (1) of this section for a fiscal year shall not exceed twenty percent of the average monthly number of recipients and their families to which assistance is provided under the temporary assistance for needy families program.~~

~~((5))~~ Policies related to circumstances under which a recipient will be exempted from the application of subsection (1) or (3) of this section shall treat adults receiving benefits on their own behalf, and parents receiving benefits on behalf of their child similarly, unless required otherwise under federal law.

(6) The department shall not exempt a recipient and his or her family from the application of subsection (1) or (3) of this section until after the recipient has received fifty-two months of assistance under this chapter.

~~((6))~~ (7) Beginning on October 31, 2005, the department shall provide transitional food stamp assistance for a period of five months to a household that

ceases to receive temporary assistance for needy families assistance and is not in sanction status. If necessary, the department shall extend the household's food stamp certification until the end of the transition period.

**Sec. 7.** RCW 74.08.025 and 2005 c 174 s 2 are each amended to read as follows:

(1) Public assistance may be awarded to any applicant:

(a) Who is in need and otherwise meets the eligibility requirements of department assistance programs; and

(b) Who has not made a voluntary assignment of property or cash for the purpose of qualifying for an assistance grant; and

(c) Who is not an inmate of a public institution except as a patient in a medical institution or except as an inmate in a public institution who could qualify for federal aid assistance: PROVIDED, That the assistance paid by the department to recipients in nursing homes, or receiving nursing home care, may cover the cost of clothing and incidentals and general maintenance exclusive of medical care and health services. The department may pay a grant to cover the cost of clothing and personal incidentals in public or private medical institutions and institutions for tuberculosis. The department shall allow recipients in nursing homes to retain, in addition to the grant to cover the cost of clothing and incidentals, wages received for work as a part of a training or rehabilitative program designed to prepare the recipient for less restrictive placement to the extent permitted under Title XIX of the federal social security act.

(2) Any person otherwise qualified for temporary assistance for needy families under this title who has resided in the state of Washington for fewer than twelve consecutive months immediately preceding application for assistance is limited to the benefit level in the state in which the person resided immediately before Washington, using the eligibility rules and other definitions established under this chapter, that was obtainable on the date of application in Washington state, if the benefit level of the prior state is lower than the level provided to similarly situated applicants in Washington state. The benefit level under this subsection shall be in effect for the first twelve months a recipient is on temporary assistance for needy families in Washington state.

(3) Any person otherwise qualified for temporary assistance for needy families who is assessed through the state alcohol and substance abuse program as drug or alcohol-dependent and requiring treatment to become employable shall be required by the department to participate in a drug or alcohol treatment program as a condition of benefit receipt.

(4) The department may implement a permanent disqualification for adults who have been terminated due to WorkFirst noncompliance sanction three or more times since March 1, 2007. A household that includes an adult who has been permanently disqualified from receiving temporary assistance for needy families shall be ineligible for further temporary assistance for needy families assistance.

(5) Pursuant to 21 U.S.C. 862a(d)(1), the department shall exempt individuals from the eligibility restrictions of 21 U.S.C. 862a(a)(1) and (2) to ensure eligibility for temporary assistance for needy families benefits and federal food assistance.

**Sec. 8.** RCW 74.08A.250 and 2009 c 353 s 6 are each amended to read as follows:

Unless the context clearly requires otherwise, as used in this chapter, "work activity" means:

- (1) Unsubsidized paid employment in the private or public sector;
- (2) Subsidized paid employment in the private or public sector, including employment through the state or federal work-study program for a period not to exceed twenty-four months;
- (3) Work experience, including:
  - (a) An internship or practicum, that is paid or unpaid and is required to complete a course of vocational training or to obtain a license or certificate in a high-demand occupation, as determined by the employment security department. No internship or practicum shall exceed twelve months; or
  - (b) Work associated with the refurbishing of publicly assisted housing, if sufficient paid employment is not available;
- (4) On-the-job training;
- (5) Job search and job readiness assistance;
- (6) Community service programs, including a recipient's voluntary service at a child care or preschool facility licensed under chapter 43.215 RCW or an elementary school in which his or her child is enrolled;
- (7) Vocational educational training, not to exceed twelve months with respect to any individual;
- (8) Job skills training directly related to employment;
- (9) Education directly related to employment, in the case of a recipient who has not received a high school diploma or a GED;
- (10) Satisfactory attendance at secondary school or in a course of study leading to a GED, in the case of a recipient who has not completed secondary school or received such a certificate;
- (11) The provision of child care services to an individual who is participating in a community service program;
- (12) Internships, that shall be paid or unpaid work experience performed by an intern in a business, industry, or government or nongovernmental agency setting;
- (13) Practicums, which include any educational program in which a student is working under the close supervision of a professional in an agency, clinic, or other professional practice setting for purposes of advancing their skills and knowledge;
- (14) Services required by the recipient under RCW 74.08.025(3) and 74.08A.010(~~(3)~~) (4) to become employable; (~~and~~)
- (15) Financial literacy activities designed to be effective in assisting a recipient in becoming self-sufficient and financially stable; and
- (16) Parent education services or programs that support development of appropriate parenting skills, life skills, and employment-related competencies.

**Sec. 9.** RCW 74.20.040 and 2007 c 143 s 5 are each amended to read as follows:

- (1) Whenever the department receives an application for public assistance on behalf of a child, or the department receives an application for subsidized child care services or working connections child care services, the department or the department of early learning shall take appropriate action under the



provisions of this chapter, chapter 74.20A RCW, or other appropriate statutes of this state to establish or enforce support obligations against the parent or other persons owing a duty to pay support moneys.

(2) The secretary may accept a request for support enforcement services on behalf of persons who are not recipients of public assistance and may take appropriate action to establish or enforce support obligations against the parent or other persons owing a duty to pay moneys. Requests accepted under this subsection may be conditioned upon the payment of a fee as required by subsection (6) of this section or through regulation issued by the secretary. The secretary may establish by regulation, reasonable standards and qualifications for support enforcement services under this subsection.

(3) The secretary may accept requests for support enforcement services from child support enforcement agencies in other states operating child support programs under Title IV-D of the social security act or from foreign countries, and may take appropriate action to establish and enforce support obligations, or to enforce subpoenas, information requests, orders for genetic testing, and collection actions issued by the other agency against the parent or other person owing a duty to pay support moneys, the parent or other person's employer, or any other person or entity properly subject to child support collection or information-gathering processes. The request shall contain and be accompanied by such information and documentation as the secretary may by rule require, and be signed by an authorized representative of the agency. The secretary may adopt rules setting forth the duration and nature of services provided under this subsection.

(4) The department may take action to establish, enforce, and collect a support obligation, including performing related services, under this chapter and chapter 74.20A RCW, or through the attorney general or prosecuting attorney for action under chapter 26.09, 26.18, 26.20, 26.21A, or 26.26 RCW or other appropriate statutes or the common law of this state.

(5) Whenever a support order is filed with the Washington state support registry under chapter 26.23 RCW, the department may take appropriate action under the provisions of this chapter, chapter 26.23 or 74.20A RCW, or other appropriate law of this state to establish or enforce the support obligations contained in that order against the responsible parent or other persons owing a duty to pay support moneys.

(6) The secretary, in the case of an individual who has never received assistance under a state program funded under part A and for whom the state has collected at least five hundred dollars of support, shall impose an annual fee of twenty-five dollars for each case in which services are furnished, which shall be retained by the state from support collected on behalf of the individual, but not from the first five hundred dollars of support. The secretary may, on showing of necessity, waive or defer any such fee or cost.

(7) Fees, due and owing, may be retained from support payments directly or collected as delinquent support moneys utilizing any of the remedies in chapter 74.20 RCW, chapter 74.20A RCW, chapter 26.21A RCW, or any other remedy at law or equity available to the department or any agencies with whom it has a cooperative or contractual arrangement to establish, enforce, or collect support moneys or support obligations.

(8) The secretary may waive the fee, or any portion thereof, as a part of a compromise of disputed claims or may grant partial or total charge off of said fee if the secretary finds there are no available, practical, or lawful means by which said fee may be collected or to facilitate payment of the amount of delinquent support moneys or fees owed.

(9) The secretary shall adopt rules conforming to federal laws, including but not limited to complying with section 7310 of the federal deficit reduction act of 2005, 42 U.S.C. Sec. 654, and rules and regulations required to be observed in maintaining the state child support enforcement program required under Title IV-D of the federal social security act. The adoption of these rules shall be calculated to promote the cost-effective use of the agency's resources and not otherwise cause the agency to divert its resources from its essential functions.

**Sec. 10.** RCW 74.20.330 and 2007 c 143 s 6 are each amended to read as follows:

(1) Whenever public assistance is paid under a state program funded under Title IV-A of the federal social security act as amended by the personal responsibility and work opportunity reconciliation act of 1996, and the federal deficit reduction act of 2005, each applicant or recipient is deemed to have made assignment to the department of any rights to a support obligation from any other person the applicant or recipient may have in his or her own behalf or in behalf of any other family member for whom the applicant or recipient is applying for or receiving public assistance, including any unpaid support obligation or support debt which has accrued at the time the assignment is made.

(2) Payment of public assistance under a state-funded program, or a program funded under Title IV-A, IV-E, or XIX of the federal social security act as amended by the personal responsibility and work opportunity reconciliation act of 1996 shall:

(a) Operate as an assignment by operation of law; and

(b) Constitute an authorization to the department to provide the assistance recipient with support enforcement services.

(3) Payment for subsidized child care services or working connections child care services shall constitute an authorization to the department to provide the recipient of the subsidy with support enforcement services. The department is authorized to collect, but not retain, child support payments under this subsection.

(4) Effective October 1, 2008, whenever public assistance is paid under a state program funded under Title IV-A of the federal social security act as amended by the personal responsibility and work opportunity reconciliation act of 1996, and the federal deficit reduction act of 2005, a member of the family is deemed to have made an assignment to the state any right the family member may have, or on behalf of the family member receiving such assistance, to support from any other person, not exceeding the total amount of assistance paid to the family, which accrues during the period that the family receives assistance under the program.

**Sec. 11.** RCW 43.215.135 and 2010 c 273 s 2 are each amended to read as follows:

(1) The department shall establish and implement policies in the working connections child care program to promote stability and quality of care for

children from low-income households. Policies for the expenditure of funds constituting the working connections child care program must be consistent with the outcome measures defined in RCW 74.08A.410 and the standards established in this section intended to promote continuity of care for children.

(2) As a condition of receiving a child care subsidy or a working connections child care subsidy, the applicant or recipient must seek child support enforcement services from the department of social and health services, division of child support, unless the department finds that the applicant or recipient has good cause not to cooperate.

(3) Except as provided in subsection (4) of this section, an applicant or recipient of a child care subsidy or a working connections child care subsidy is eligible to receive that subsidy for six months before having to recertify his or her income eligibility. The six-month certification provision applies only if enrollments in the child care subsidy or working connections child care program are capped.

(4) Beginning in fiscal year 2011, for families with children enrolled in an early childhood education and assistance program, a head start program, or an early head start program, authorizations for the working connections child care subsidy shall be effective for twelve months unless a change in circumstances necessitates reauthorization sooner than twelve months.

~~((3))~~ (5) The department, in consultation with the department of social and health services, shall report to the legislature by September 1, 2011, with:

(a) An analysis of the impact of the twelve-month authorization period on the stability of child care, program costs, and administrative savings; and

(b) Recommendations for expanding the application of the twelve-month authorization period to additional populations of children in care.

NEW SECTION. Sec. 12. A new section is added to chapter 43.215 RCW to read as follows:

The department and the department of social and health services, in consultation with interested individuals and organizations, shall jointly:

(1) Identify different options to track subsidized child care attendance, including methods using a land line or cellular telephone, a computer, a point of sale system, or some combination of these methods and report their recommended method to the legislature no later than December 31, 2011. Each department's recommendations must include implementation issues to be addressed and a proposed implementation timeline, and should assume a January 2013 implementation date for the attendance tracking system. The legislature shall review the recommendations and authorize implementation. The method that is chosen must interface smoothly with the current and future payment systems for subsidized child care payments.

(2) Conduct an assessment of the current subsidized child care eligibility determination system and develop recommendations to improve the accuracy, efficiency, and responsiveness of the system, including consideration of the most appropriate entity or entities to make eligibility determinations. The results of the assessment shall be reported to the legislature no later than December 31, 2011.

NEW SECTION. Sec. 13. (1) The department of social and health services, in consultation with its electronic benefits card contractor and interested persons

and organizations, shall develop strategies to increase opportunities for public assistance recipients to maintain bank accounts, with a goal of increasing recipient financial literacy and financial management skills and minimizing recipient costs association with automatic teller machine transaction fees. A report and recommendations shall be submitted to the relevant policy and fiscal committees of the legislature by December 1, 2011.

(2) The department of social and health services shall, in contracting with electronic benefit card providers, require that any surcharge or transaction fee charged by the provider be disclosed to electronic benefit card clients at the point in which the surcharge or transaction fee occurs.

**Sec. 14.** RCW 74.08.580 and 2002 c 252 s 1 are each amended to read as follows:

(1) Any person receiving public assistance is prohibited from using electronic benefit cards or cash obtained with electronic benefit cards:

(a) For the purpose of participating in any of the activities authorized under chapter 9.46 RCW;

(b) For the purpose of parimutuel wagering authorized under chapter 67.16 RCW; ~~((~~o~~))~~

(c) To purchase lottery tickets or shares authorized under chapter 67.70 RCW;

(d) For the purpose of participating in or purchasing any activities located in a tattoo, body piercing, or body art shop licensed under chapter 18.300 RCW;

(e) To purchase cigarettes as defined in RCW 82.24.010 or tobacco products as defined in RCW 82.26.010;

(f) To purchase any items regulated under Title 66 RCW; or

(g) For the purpose of purchasing or participating in any activities in any location listed in subsection (2) of this section.

(2) On or before January 1, 2012, the businesses listed in this subsection must disable the ability of ATM and point-of-sale machines located on their business premises to accept the electronic benefit card. The following businesses are required to comply with this mandate:

(a) Taverns licensed under RCW 66.24.330;

(b) Beer/wine specialty stores licensed under RCW 66.24.371;

(c) Nightclubs licensed under RCW 66.24.600;

(d) Contract liquor stores defined under RCW 66.04.010;

(e) Bail bond agencies regulated under chapter 18.185 RCW;

(f) Gambling establishments licensed under chapter 9.46 RCW;

(g) Tattoo, body piercing, or body art shops regulated under chapter 18.300 RCW;

(h) Adult entertainment venues with performances that contain erotic material where minors under the age of eighteen are prohibited under RCW 9.68A.150; and

(i) Any establishments where persons under the age of eighteen are not permitted.

(3) The department must notify the licensing authority of any business listed in subsection (2) of this section that such business has continued to allow the use of the electronic benefit card in violation of subsection (2) of this section.

(4) Only the recipient, an eligible member of the household, or the recipient's authorized representative may use an electronic benefit card or the

benefit and such use shall only be for the respective benefit program purposes. The recipient shall not sell, or attempt to sell, exchange, or donate an electronic benefit card or any benefits to any other person or entity.

(5) The first violation of subsection (1) or (4) of this section by a recipient constitutes a class 4 civil infraction under RCW 7.80.120. Second and subsequent violations of subsection (1) or (4) of this section constitute a class 3 civil infraction under RCW 7.80.120.

(a) The department shall notify, in writing, all recipients of electronic benefit cards that any violation of subsection (1) or (4) of this section could result in legal proceedings and forfeiture of all cash public assistance.

(b) Whenever the department receives notice that a person has violated subsection (1) or (4) of this section, the department shall notify the person in writing that the violation could result in legal proceedings and forfeiture of all cash public assistance.

(c) The department shall assign a protective payee to the person receiving public assistance who violates subsection (1) or (4) of this section two or more times.

NEW SECTION. Sec. 15. A new section is added to chapter 66.24 RCW to read as follows:

The board shall immediately suspend the license of a business that has been issued a license under RCW 66.24.330, 66.24.371, or 66.24.600 if the board receives information that the business has not complied with RCW 74.08.580(2). If the licensee has remained otherwise eligible to be licensed, the board may reinstate the suspended license when the business has complied with RCW 74.08.580(2).

**Sec. 16.** RCW 66.16.041 and 2005 c 151 s 6 are each amended to read as follows:

(1) The state liquor control board shall accept bank credit card and debit cards for purchases in state liquor stores, under such rules as the board may adopt. The board shall authorize contract liquor stores appointed under RCW 66.08.050 to accept bank credit cards and debit cards for liquor purchases under this title, under such rules as the board may adopt.

(2) If a contract liquor store chooses to use credit or debit cards for liquor purchases, the board shall provide equipment and installation and maintenance of the equipment necessary to implement the use of credit and debit cards. Any equipment provided by the board to a contract liquor store for this purpose may be used only for the purchase of liquor.

(3) It is the board's responsibility to ensure that the equipment used by the contract liquor stores to accept debit or credit cards for liquor purchases complies with the requirements of RCW 74.08.580(2) with regard to point-of-sale machines.

(4) It is the contract liquor store's responsibility to comply with the requirements of RCW 74.08.580(2) pertaining to the use of electronic benefit transfer cards in ATM machines located on the contract liquor store premises. The board shall immediately suspend the contract it has with the contract liquor store if it receives information that the store has not complied with RCW 74.08.580(2). The board may reinstate the suspended contract when the contract liquor store has complied with RCW 74.08.580(2).

NEW SECTION. Sec. 17. A new section is added to chapter 18.300 RCW to read as follows:

The department of licensing shall immediately suspend any license under this chapter if the department receives information that the license holder has not complied with RCW 74.08.580(2). If the license holder has remained otherwise eligible to be licensed, the department may reinstate the suspended license when the holder has complied with RCW 74.08.580(2).

NEW SECTION. Sec. 18. A new section is added to chapter 18.185 RCW to read as follows:

The director shall immediately suspend any license issued under this chapter if the director receives information that the license holder has not complied with RCW 74.08.580(2). If the license holder has otherwise remained eligible to be licensed, the director may reinstate the suspended license when the holder has complied with RCW 74.08.580(2).

Sec. 19. RCW 9.46.410 and 2002 c 252 s 2 are each amended to read as follows:

(1) Any licensee authorized under this chapter is prohibited from allowing the use of public assistance electronic benefit cards for the purpose of participating in any of the activities authorized under this chapter.

(2) Any licensee authorized under this chapter shall report to the department of social and health services any known violations of RCW 74.08.580.

(3) Any licensee authorized under this chapter is required to comply with RCW 74.08.580(2). If the licensee fails to comply with RCW 74.08.580(2), its license shall be immediately suspended until it complies with RCW 74.08.580(2). If the licensee remains otherwise eligible to be licensed, the commission may reinstate the license once the licensee has complied with RCW 74.08.580(2).

NEW SECTION. Sec. 20. The legislature finds that eliminating waste, fraud, and abuse of public assistance benefits should be a priority of the department of social and health services, and this can best be reflected in a newly organized, accountable, and proactive fraud unit directly under the secretary's authority with the resources necessary to combat fraud and to ensure the confidence of the public in the critical social safety net programs it funds.

NEW SECTION. Sec. 21. A new section is added to chapter 74.04 RCW to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abuse" means any intentional use of public assistance benefits that constitutes a violation of any state statute or regulation relating to the use of public assistance benefits. This definition excludes medicaid and other medical programs as defined in chapter 74.09 RCW, and fraud and abuse committed by medical providers and recipients of medicaid and other medical program services.

(2) "Disclosable information" means public information that (a) is not exempt from disclosure under chapter 42.56 RCW; and (b) does not pertain to an ongoing investigation.

(3) "Fraud" means an intentional deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefit to himself or herself or some other person.

(4) "Office" means the office of fraud and accountability.

(5) "Public assistance" or "public assistance programs" means public aid to persons in need including assistance grants, food assistance, work relief, disability lifeline benefits, temporary assistance for needy families, and, for purposes of this section, working connections child care subsidies. This definition excludes medicaid and other medical programs as defined in chapter 74.09 RCW, and fraud and abuse committed by medical providers and recipients of medicaid and other medical program services.

**Sec. 22.** RCW 74.04.012 and 2008 c 74 s 3 are each amended to read as follows:

(1) There is established (~~a unit~~) an office of fraud and accountability within the department for the purpose of detection, investigation, and prosecution of any act prohibited or declared to be unlawful in the public assistance programs administered by the department. The secretary will employ qualified supervisory, legal, and investigative personnel for the program. Program staff must be qualified by training and experience.

(2) The director of the office of fraud and accountability is the head of the office and is selected by the secretary and must demonstrate suitable capacity and experience in law enforcement management, public administration, and criminal investigations. The director of the office of fraud and accountability shall:

(a) Report directly to the secretary; and

(b) Ensure that each citizen complaint, employee complaint, law enforcement complaint, and agency referral is assessed and, when risk of fraud or abuse is present, is fully investigated, and is referred for prosecution or recovery when there is substantial evidence of wrongdoing.

(3) The office shall:

(a) Conduct independent and objective investigations into allegations of fraud and abuse, make appropriate referral to law enforcement when there is substantial evidence of criminal activity, and recover overpayment whenever possible and to the greatest possible degree;

(b) Recommend policies, procedures, and best practices designed to detect and prevent fraud and abuse, and to mitigate the risk for fraud and abuse and assure that public assistance benefits are being used for their statutorily stated goals;

(c) Analyze cost-effective, best practice alternatives to the current cash benefit delivery system consistent with federal law to ensure that benefits are being used for their intended purposes; and

(d) Use best practices to determine appropriate utilization and deployment of investigative resources, ensure that resources are deployed in a balanced and effective manner, and use all available methods to gather evidence necessary for proper investigation and successful prosecution.

(4) By December 31, 2011, the office shall report to the legislature on the development of the office, identification of any barriers to meeting the stated goals of the office, and recommendations for improvements to the system and

laws related to the prevention, detection, and prosecution of fraud and abuse in public assistance programs.

**Sec. 23.** RCW 43.20A.605 and 2009 c 549 s 5078 are each amended to read as follows:

(1) The secretary or a designee shall have full authority to administer oaths and take testimony thereunder, to issue subpoenas requiring the attendance of witnesses before him or her together with all books, memoranda, papers, and other documents, articles or instruments, and to compel the disclosure by such witnesses of all facts known to them relative to the matters under investigation.

(2) Subpoenas issued in adjudicative proceedings are governed by RCW 34.05.588(1).

(3) Subpoenas issued in the conduct of investigations required or authorized by other statutory provisions or necessary in the enforcement of other statutory provisions shall be governed by RCW 34.05.588(2).

(4) When a judicially approved subpoena is required by law, the secretary or designee may apply for and obtain a superior court order approving and authorizing a subpoena in advance of its issuance. The application may be made in the county where the subpoenaed person resides or is found, or in the county where the subpoenaed documents, records, or evidence are located, or in Thurston county. The application must:

(a) State that an order is sought under this section;

(b) Adequately specify the documents, records, evidence, or testimony; and

(c) Include a declaration made under oath that an investigation is being conducted for a lawfully authorized purpose related to an investigation within the department's authority and that the subpoenaed documents, records, evidence, or testimony are reasonably related to an investigation within the department's authority.

(5) When an application under subsection (4) of this section is made to the satisfaction of the court, the court must issue an order approving the subpoena. When a judicially approved subpoena is required by law, an order under this subsection constitutes authority of law for the agency to subpoena the documents, records, evidence, or testimony.

(6) The secretary or designee may seek approval and a court may issue an order under this section without prior notice to any person, including the person to whom the subpoena is directed and the person who is the subject of an investigation. An application for court approval is subject to the fee and process set forth in RCW 36.18.012(3).

**NEW SECTION. Sec. 24.** A new section is added to chapter 74.04 RCW to read as follows:

(1) In carrying out the provisions of this chapter, the office of fraud and accountability shall have prompt access to all individuals, records, electronic data, reports, audits, reviews, documents, and other materials available to the department of revenue, department of labor and industries, department of early learning, employment security department, department of licensing, and any other government entity that can be used to help facilitate investigations of fraud or abuse as determined necessary by the director of the office of fraud and accountability.



(2) Information gathered by the department, the office, or the fraud ombudsman shall be safeguarded and remain confidential as required by applicable state or federal law. Whenever information or assistance requested under subsection (1) of this section is, in the judgment of the director, unreasonably refused or not provided, the director of the office of fraud and accountability must report the circumstances to the secretary immediately.

**Sec. 25.** RCW 49.60.210 and 1992 c 118 s 4 are each amended to read as follows:

(1) It is an unfair practice for any employer, employment agency, labor union, or other person to discharge, expel, or otherwise discriminate against any person because he or she has opposed any practices forbidden by this chapter, or because he or she has filed a charge, testified, or assisted in any proceeding under this chapter.

(2) It is an unfair practice for a government agency or government manager or supervisor to retaliate against a whistleblower as defined in chapter 42.40 RCW.

(3) It is an unfair practice for any employer, employment agency, labor union, government agency, government manager, or government supervisor to discharge, expel, discriminate, or otherwise retaliate against an individual assisting with an office of fraud and accountability investigation under RCW 74.04.012, unless the individual has willfully disregarded the truth in providing information to the office.

**\*NEW SECTION. Sec. 26.** *A new section is added to chapter 43.09 RCW to read as follows:*

*(1) The auditor shall appoint a fraud ombudsman to audit the work of the office of fraud and accountability within the department of social and health services. The ombudsman shall review the fraud investigative work done by the office including cases filed with local prosecuting authorities. The ombudsman also shall have authority to investigate citizen complaints made to the auditor's office regarding fraud and abuse investigations conducted by, or declined to be conducted by, the office of fraud and accountability. The department of social and health services shall provide the ombudsman with access to any relevant records it has in its possession related to a fraud or abuse investigation as determined by the fraud ombudsman, including access to electronic benefit transfer card transaction data.*

*(2) The fraud ombudsman shall have access to persons within the office of fraud and accountability for purposes of interviews and evaluation.*

*(3) The fraud ombudsman must submit a report summarizing its auditing activities of the office of fraud and accountability to the appropriate committees of the legislature by November 30, 2012, and biennially thereafter. The office of fraud and accountability shall assist the ombudsman to the fullest extent practicable in producing this report. The report shall contain only information consistent with the requirements of chapter 42.56 RCW and any other applicable state or federal laws, including:*

*(a) A description of significant fraud or abuse, and of vulnerabilities or deficiencies relating to the prevention and detection of fraud or abuse in public assistance programs, discovered as a result of investigations completed during the reporting period;*

*(b) Recommendations for improving the activities of the office of fraud and accountability with respect to the vulnerabilities or deficiencies identified under (a) of this subsection;*

*(c) An identification of each significant recommendation described in the previous reports on which corrective action has, or has not, been completed;*

*(d) The response from the office of fraud and accountability to any of the report findings, recommendations, or information provided in the report;*

*(e) A summary of matters referred to prosecuting authorities during the reporting period and the charges filed and convictions entered during the reporting period that have resulted from referrals by the office of fraud and accountability; and*

*(f) A description of the ease of access allowed by the office of fraud and accountability to all necessary data and personnel for purposes of conducting the audit.*

*(4) Information gathered by department staff, the office of fraud and accountability, and the fraud ombudsman shall be safeguarded and remain confidential as required by applicable state and federal law.*

\*Sec. 26 was vetoed. See message at end of chapter.

NEW SECTION. Sec. 27. A new section is added to chapter 43.20A RCW to read as follows:

No later than January 1, 2012, the department shall establish an employee incentive program pilot for those employees who work directly with participants in the WorkFirst program. The pilot shall provide for eight hours of paid annual leave per year, in addition to the annual leave the employee normally accrues, for those employees who assist participants in meeting certain outcomes to be established by the department. The outcomes established must be of significance for the participant and can include achieving unsubsidized employment or the removal of a significant barrier to unsubsidized employment. The department shall report to the legislature by January 1, 2013, on the implementation of the pilot project, including how many employees received paid annual leave, what outcomes were achieved, and the savings associated with the achievement of the outcomes.

NEW SECTION. Sec. 28. Except for section 6 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2011.

NEW SECTION. Sec. 29. Section 6 of this act takes effect September 1, 2011.

Passed by the Senate May 16, 2011.

Passed by the House May 13, 2011.

Approved by the Governor June 15, 2011, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State June 15, 2011.

Note: Governor's explanation of partial veto is as follows:

I am returning herewith, without my approval as to Sections 3 and 26, Engrossed Substitute Senate Bill 5921 entitled:

"AN ACT Relating to social services."

This omnibus bill addresses redesign and policy changes to Washington's WorkFirst program, including provisions related to eligibility, accountability, fraud detection and enforcement. During the current economic downturn the state has experienced increased utilization of safety net programs. Now is the time to redouble our focus on service delivery that meets the intended outcomes and ensures fiscal accountability for the use of limited public funds.

Section 3 of the bill requires the Department of Social and Health Services to engage in competitive performance-based contracting for all WorkFirst activities. I strongly support government efficiency and improved performance in providing critical services to Washington residents. However, Section 3 of the bill is not needed and could create confusion about the applicable law that would govern such contracting. The Legislature enacted a law in 1997, codified as RCW 74.08A.290, that authorized the Department of Social and Health Services to engage in competitive contracting using performance-based contracts to provide all work activities. The Department of Social and Health Services would be expressly mandated to exercise its authority granted in 1997 under RCW 74.08A.290 by Second Engrossed Substitute House Bill 1087, a bill among those I sign today. I will direct the Department of Social and Health Services and the WorkFirst Subcabinet to act on the Legislature's direction in Second Engrossed Substitute House Bill 1087 to competitively contract all work activities under the 1997 law.

Section 26 of the bill establishes a Fraud Ombudsman in the State Auditor's Office to audit and provide oversight of the Office of Fraud and Accountability at the Department of Social and Health Services. Transparency of public funds is critically important. I remain committed to ensuring appropriate use of public funds when providing critical services for the State's most vulnerable residents.

However, Section 26 is duplicative of the State Auditor's Office existing authority to audit the work of the Office of Fraud and Accountability. The Department of Social and Health Services will provide the State Auditor's Office with access to any relevant records in its possession to the fullest extent practicable upon the request of the State Auditor's Office.

For these reasons, I have vetoed Sections 3 and 26 of Engrossed Substitute Senate Bill 5921.

With the exception of Sections 3 and 26, Engrossed Substitute Senate Bill 5921 is approved."

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## CHAPTER 43

[Engrossed Substitute Senate Bill 5931]

### DEPARTMENT OF ENTERPRISE SERVICES

AN ACT Relating to reorganizing and streamlining central service functions, powers, and duties of state government; amending RCW 43.17.010, 43.17.020, 42.17A.705, 42.17.2401, 43.19.011, 43.19.025, 43.19.035, 43.19.125, 43.19.180, 43.19.185, 43.19.190, 43.19.1905, 43.19.19052, 43.19.1906, 43.19.1908, 43.19.1913, 43.19.1915, 43.19.1917, 43.19.1919, 43.19.19191, 43.19.1920, 43.19.19201, 43.19.1921, 43.19.1932, 43.19.200, 43.19.450, 43.19.455, 43.19.500, 43.19.501, 43.19.530, 43.19.534, 43.19.538, 43.19.539, 43.19.560, 43.19.565, 43.19.585, 43.19.600, 43.19.610, 43.19.620, 43.19.635, 43.19.646, 43.19.663, 43.19.685, 43.19.702, 43.19.704, 43.19.708, 43.19.710, 19.27.070, 19.27A.140, 39.34.055, 39.35.030, 39.35C.010, 39.35D.020, 43.19A.010, 43.19A.022, 39.32.035, 43.01.225, 43.82.120, 43.82.125, 43.99H.070, 73.24.020, 1.08.039, 28A.300.040, 28B.10.029, 40.06.030, 43.08.061, 41.06.020, 41.06.076, 41.06.080, 41.06.093, 41.06.110, 41.06.120, 41.06.142, 41.06.152, 41.06.167, 41.06.169, 41.06.170, 41.06.220, 41.06.260, 41.06.270, 41.06.280, 41.06.285, 41.06.350, 41.06.395, 41.06.400, 41.06.410, 41.06.420, 41.06.476, 41.06.490, 41.06.510, 41.06.530, 34.05.030, 41.04.340, 41.04.385, 41.04.395, 41.04.670, 41.04.680, 41.04.685, 41.04.720, 41.04.770, 41.07.020, 41.07.030, 41.60.015, 41.80.005, 41.80.020, 42.16.010, 42.17.370, 43.01.040, 43.01.135, 43.03.028, 43.03.120, 43.03.130, 43.06.013, 43.06.410, 43.06.425, 43.33A.100, 43.130.060, 43.131.090, 48.37.060, 49.46.010, 49.74.020, 49.74.030, 49.90.010, 50.13.060, 28A.345.060, 28A.400.201, 34.12.100, 36.21.011, 41.04.020, 41.04.460, 41.60.050, 41.68.030, 41.68.040, 41.68.050, 47.28.251, 43.41.290, 43.41.300, 43.41.310, 43.41.320, 43.41.330, 43.41.340, 43.41.360, 43.41.370, 43.41.380, 43.41.110, 4.92.006, 4.92.040, 4.92.130, 4.92.150, 4.92.160, 4.92.210, 4.92.270, 4.92.280, 10.92.020, 48.62.021, 48.64.010, 39.29.011, 39.29.016, 39.29.018, 39.29.025, 39.29.055, 39.29.065, 39.29.075, 39.29.090, 39.29.100, 39.29.110, 39.29.120, 43.88.580, 43.105.080, 43.105.320, 43.105.370, 43.105.372, 43.105.374, 43.105.376, 43.105.380, 43.105.382, 43.105.390, 43.105.400, 41.07.030, 43.99I.040, 43.105.835, 43.105.290,

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28A.650.015, 40.14.020, 42.17.460, 42.17.467, 42.17.469, 42.17.471, 42.17A.060, 43.88.092, 43.105.410, 43.105.020, 43.105.047, 43.105.052, 43.19.190, 43.105.057, 43.105.060, 19.34.231, 19.34.420, 46.20.157, 2.36.054, 29A.08.760, 43.63A.550, 41.80.020, 43.41.400, 44.48.090, 28A.300.500, 28A.300.507, 28A.655.210, and 28A.657.110; reenacting and amending RCW 41.06.133, 41.06.150, 41.04.665, 42.17A.110, 49.46.010, 39.29.068, 39.94.040, and 41.06.070; adding new sections to chapter 43.19 RCW; adding new sections to chapter 41.06 RCW; adding a new section to chapter 43.09 RCW; adding new sections to chapter 43.41 RCW; adding new sections to chapter 43.330 RCW; adding new sections to chapter 43.105 RCW; adding a new section to chapter 44.48 RCW; adding a new section to chapter 41.80 RCW; adding a new chapter to Title 43 RCW; creating new sections; recodifying RCW 43.78.130, 43.78.140, 43.78.150, 43.78.160, 43.41.280, 43.41.290, 43.41.300, 43.41.310, 43.41.320, 43.41.330, 43.41.340, 43.41.350, 43.41.360, 43.105.080, 43.105.320, 43.105.410, 43.105.370, 43.105.372, 43.105.374, 43.105.376, 43.105.380, 43.105.382, 43.105.390, 43.105.400, 43.105.052, 43.105.172, 43.105.250, 43.105.260, 43.105.270, 43.105.280, 43.105.290, 43.105.310, and 43.105.835; decodifying RCW 43.19.123, 41.06.136, 43.31.086, 41.80.900, 41.80.901, 41.80.902, 41.80.903, and 41.80.904; repealing RCW 43.19.010, 43.19.1923, 43.19.1925, 43.19.590, 43.19.595, 43.19.615, 43.19.675, 43.19.680, 43.78.010, 43.78.020, 43.78.030, 43.78.040, 43.78.050, 43.78.070, 43.78.080, 43.78.090, 43.78.100, 43.78.105, 43.78.110, 43.78.170, 15.24.085, 15.62.190, 16.67.170, 40.04.030, 40.07.050, 41.06.030, 41.06.111, 41.06.130, 41.06.139, 41.06.480, 41.07.900, 43.105.300, 43.105.360, 43.41.405, 43.105.005, 43.105.013, 43.105.019, 43.105.032, 43.105.041, 43.105.095, 43.105.105, 43.105.160, 43.105.170, 43.105.180, 43.105.190, 43.105.200, 43.105.210, 43.105.330, 43.105.805, 43.105.815, and 43.105.820; repealing 2010 c 271 s 301; providing effective dates; and providing expiration dates.

Be it enacted by the Legislature of the State of Washington:

**PART I  
DEPARTMENT OF ENTERPRISE SERVICES CREATED**

**NEW SECTION. Sec. 101.** To maximize the benefits to the public, state government should be operated in an efficient and effective manner. The department of enterprise services is created to provide centralized leadership in efficiently and cost-effectively managing resources necessary to support the delivery of state government services. The mission of the department is to implement a world-class, customer-focused organization that provides valued products and services to government and state residents.

**NEW SECTION. Sec. 102.** A new section is added to chapter 43.19 RCW to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) "Department" means the department of enterprise services.
- (2) "Director" means the director of enterprise services.

**NEW SECTION. Sec. 103.** A new section is added to chapter 43.19 RCW to read as follows:

(1) The department of enterprise services is created as an executive branch agency. The department is vested with all powers and duties transferred to it under this act and such other powers and duties as may be authorized by law.

(2) In addition to the powers and duties as provided in this act, the department shall:

(a) Provide products and services to support state agencies, and may enter into agreements with any other governmental entity or a public benefit nonprofit organization, in compliance with RCW 39.34.055, to furnish such products and services as deemed appropriate by both parties. The agreement shall provide for the reimbursement to the department of the reasonable cost of the products and

services furnished. All governmental entities of this state may enter into such agreements, unless otherwise prohibited; and

(b) Make available to state, local, and federal agencies, local governments, and public benefit nonprofit corporations on a full cost-recovery basis information and printing services to include equipment acquisition assistance, including leasing, brokering, and establishing master contracts. For the purposes of this section "public benefit nonprofit corporation" means a public benefit nonprofit corporation as defined in RCW 24.03.005 that is receiving local, state, or federal funds either directly or through a public agency other than an Indian tribe or political subdivision of another state.

**NEW SECTION. Sec. 104.** A new section is added to chapter 43.19 RCW to read as follows:

(1) The executive powers and management of the department shall be administered as described in this section.

(2) The executive head and appointing authority of the department is the director. The director is appointed by the governor, subject to confirmation by the senate. The director serves at the pleasure of the governor. The director is paid a salary fixed by the governor in accordance with RCW 43.03.040. If a vacancy occurs in the position of director while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate at which time he or she shall present to that body his or her nomination for the position.

(3) The director may employ staff members, who are exempt from chapter 41.06 RCW, and any additional staff members as are necessary to administer this chapter, and such other duties as may be authorized by law. The director may delegate any power or duty vested in him or her by this act or other law, including authority to make final decisions and enter final orders in hearings conducted under chapter 34.05 RCW.

(4) The internal affairs of the department are under the control of the director in order that the director may manage the department in a flexible and intelligent manner as dictated by changing contemporary circumstances. Unless specifically limited by law, the director has complete charge and supervisory powers over the department. The director may create the administrative structures as the director deems appropriate, except as otherwise specified by law, and the director may employ personnel as may be necessary in accordance with chapter 41.06 RCW, except as otherwise provided by law.

(5) Until June 30, 2018, at the beginning of each fiscal biennium, the office of financial management shall conduct a review of the programs and services that are performed by the department to determine whether the program or service may be performed by the private sector in a more cost-efficient and effective manner than being performed by the department. In conducting this review, the office of financial management shall:

(a) Examine the existing activities currently being performed by the department, including but not limited to an examination of services for their performance, staffing, capital requirements, and mission. Programs may be broken down into discrete services or activities or reviewed as a whole; and

(b) Examine the activities to determine which specific services are available in the marketplace and what potential for efficiency gains or savings exist.

(i) As part of the review in this subsection (5), the office of financial management shall select up to six activities or services that have been determined as an activity that may be provided by the private sector in a cost-effective and efficient manner, including for the 2011-2013 fiscal biennium the bulk printing services. The office of financial management may consult with affected industry stakeholders in making its decision on which activities to contract for services. Priority for selection shall be given to agency activities or services that are significant, ongoing functions.

(ii) The office of financial management must consider the consequences and potential mitigation of improper or failed performance by the contractor.

(iii) For each of the selected activities, the department shall use a request for information, request for proposal, or other procurement process to determine if a contract for the activity would result in the activity being provided at a reduced cost and with greater efficiency.

(iv) The request for information, request for proposal, or other procurement process must contain measurable standards for the performance of the contract.

(v) The department may contract with one or more vendors to provide the service as a result of the procurement process.

(vi) If the office of financial management determines via the procurement process that the activity cannot be provided by the private sector at a reduced cost and greater efficiency, the department of enterprise services may cancel the procurement without entering into a contract and shall promptly notify the legislative fiscal committees of such a decision.

(vii) The department of enterprise services, in consultation with the office of financial management, must establish a contract monitoring process to measure contract performance, costs, service delivery quality, and other contract standards, and to cancel contracts that do not meet those standards. No contracts may be renewed without a review of these measures.

(viii) The office of financial management shall prepare a biennial report summarizing the results of the examination of the agency's programs and services. In addition to the programs and services examined and the result of the examination, the report shall provide information on any procurement process that does not result in a contract for the services. During each regular legislative session held in odd-numbered years, the legislative fiscal committees shall hold a public hearing on the report and the department's activities under this section.

(ix) The joint legislative audit and review committee shall conduct an audit of the implementation of this subsection (5), and report to the legislature by January 1, 2018, on the results of the audit. The report must include an estimate of additional costs or savings to taxpayers as a result of the contracting out provisions.

**NEW SECTION. Sec. 105.** (1) The department of enterprise services has powers and duties related to state contracting as provided in chapters 43.19 and 39.29 RCW. The process and procedures in each chapter differ from each other in many respects. In addition, the process and procedures may not represent the best practices for the agency or the public.

(2) In order to effect reform and consolidation of procurement practices, the department shall review current state procurement practices, not including public works, and provide a report to the governor with procurement reform recommendations. The department should review national best practices and the

procedures used in other states and by the federal government. The department may also review private sector procedures and model codes such as the American bar association model procurement code. The department shall seek input from stakeholders and interested parties. The department shall submit a report to the governor and the office of financial management by December 31, 2011. The report shall include any draft legislation needed to accomplish the report's recommendations.

**NEW SECTION. Sec. 106.** A new section is added to chapter 41.06 RCW to read as follows:

In addition to the exemptions under RCW 41.06.070, this chapter does not apply in the department of enterprise services to the director, the director's confidential secretary, deputy and assistant directors, and any other exempt staff members provided for in section 104 of this act.

**Sec. 107.** RCW 43.17.010 and 2009 c 565 s 25 are each amended to read as follows:

There shall be departments of the state government which shall be known as (1) the department of social and health services, (2) the department of ecology, (3) the department of labor and industries, (4) the department of agriculture, (5) the department of fish and wildlife, (6) the department of transportation, (7) the department of licensing, (8) the department of ~~((general administration))~~ enterprise services, (9) the department of commerce, (10) the department of veterans affairs, (11) the department of revenue, (12) the department of retirement systems, (13) the department of corrections, (14) the department of health, (15) the department of financial institutions, (16) the department of archaeology and historic preservation, (17) the department of early learning, and (18) the Puget Sound partnership, which shall be charged with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

**Sec. 108.** RCW 43.17.020 and 2009 c 565 s 26 are each amended to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fish and wildlife, (6) the secretary of transportation, (7) the director of licensing, (8) the director of ~~((general administration))~~ enterprise services, (9) the director of commerce, (10) the director of veterans affairs, (11) the director of revenue, (12) the director of retirement systems, (13) the secretary of corrections, (14) the secretary of health, (15) the director of financial institutions, (16) the director of the department of archaeology and historic preservation, (17) the director of early learning, and (18) the executive director of the Puget Sound partnership.

Such officers, except the director of fish and wildlife, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. The director of fish and wildlife shall be appointed by the fish and wildlife commission as prescribed by RCW 77.04.055.

**Sec. 109.** RCW 42.17A.705 and 2010 c 204 s 902 are each amended to read as follows:

For the purposes of RCW 42.17A.700, "executive state officer" includes:

(1) The chief administrative law judge, the director of agriculture, the director of the department of services for the blind, the chief information officer of the office of chief information officer, the director of the state system of community and technical colleges, the director of commerce, the director of the consolidated technology services agency, the secretary of corrections, the director of early learning, the director of ecology, the commissioner of employment security, the chair of the energy facility site evaluation council, the director of enterprise services, the secretary of the state finance committee, the director of financial management, the director of fish and wildlife, the executive secretary of the forest practices appeals board, the director of the gambling commission, ~~((the director of general administration,))~~ the secretary of health, the administrator of the Washington state health care authority, the executive secretary of the health care facilities authority, the executive secretary of the higher education facilities authority, the executive secretary of the horse racing commission, the human resources director, the executive secretary of the human rights commission, the executive secretary of the indeterminate sentence review board, ~~((the director of the department of information services,))~~ the executive director of the state investment board, the director of labor and industries, the director of licensing, the director of the lottery commission, the director of the office of minority and women's business enterprises, the director of parks and recreation, ~~((the director of personnel,))~~ the executive director of the public disclosure commission, the executive director of the Puget Sound partnership, the director of the recreation and conservation office, the director of retirement systems, the director of revenue, the secretary of social and health services, the chief of the Washington state patrol, the executive secretary of the board of tax appeals, the secretary of transportation, the secretary of the utilities and transportation commission, the director of veterans affairs, the president of each of the regional and state universities and the president of The Evergreen State College, and each district and each campus president of each state community college;

(2) Each professional staff member of the office of the governor;

(3) Each professional staff member of the legislature; and

(4) Central Washington University board of trustees, the boards of trustees of each community college and each technical college, each member of the state board for community and technical colleges, state convention and trade center board of directors, Eastern Washington University board of trustees, Washington economic development finance authority, Washington energy northwest executive board, The Evergreen State College board of trustees, executive ethics board, fish and wildlife commission, forest practices appeals board, forest practices board, gambling commission, Washington health care facilities authority, higher education coordinating board, higher education facilities authority, horse racing commission, state housing finance commission, human rights commission, indeterminate sentence review board, board of industrial insurance appeals, ~~((information services board,))~~ state investment board, commission on judicial conduct, legislative ethics board, life sciences discovery fund authority board of trustees, liquor control board, lottery commission, Pacific Northwest electric power and conservation planning council, parks and recreation commission, Washington personnel resources board, board of pilotage commissioners, pollution control hearings board, public disclosure commission,



public employees' benefits board, recreation and conservation funding board, salmon recovery funding board, shorelines hearings board, board of tax appeals, transportation commission, University of Washington board of regents, utilities and transportation commission, Washington State University board of regents, and Western Washington University board of trustees.

**Sec. 110.** RCW 42.17.2401 and 2009 c 565 s 24 are each amended to read as follows:

For the purposes of RCW 42.17.240, the term "executive state officer" includes:

(1) The chief administrative law judge, the director of agriculture, the administrator of the Washington basic health plan, the director of the department of services for the blind, the chief information officer of the office of chief information officer, the director of the state system of community and technical colleges, the director of commerce, the director of the consolidated technology services agency, the secretary of corrections, the director of early learning, the director of ecology, the commissioner of employment security, the chair of the energy facility site evaluation council, the secretary of the state finance committee, the director of financial management, the director of fish and wildlife, the executive secretary of the forest practices appeals board, the director of the gambling commission, the director of (~~general administration~~) enterprise services, the secretary of health, the administrator of the Washington state health care authority, the executive secretary of the health care facilities authority, the executive secretary of the higher education facilities authority, the executive secretary of the horse racing commission, the human resources director, the executive secretary of the human rights commission, the executive secretary of the indeterminate sentence review board, (~~the director of the department of information services,~~) the executive director of the state investment board, the director of labor and industries, the director of licensing, the director of the lottery commission, the director of the office of minority and women's business enterprises, the director of parks and recreation, (~~the director of personnel,~~) the executive director of the public disclosure commission, the executive director of the Puget Sound partnership, the director of the recreation and conservation office, the director of retirement systems, the director of revenue, the secretary of social and health services, the chief of the Washington state patrol, the executive secretary of the board of tax appeals, the secretary of transportation, the secretary of the utilities and transportation commission, the director of veterans affairs, the president of each of the regional and state universities and the president of The Evergreen State College, and each district and each campus president of each state community college;

(2) Each professional staff member of the office of the governor;

(3) Each professional staff member of the legislature; and

(4) Central Washington University board of trustees, the boards of trustees of each community college and each technical college, each member of the state board for community and technical colleges, state convention and trade center board of directors, committee for deferred compensation, Eastern Washington University board of trustees, Washington economic development finance authority, The Evergreen State College board of trustees, executive ethics board, forest practices appeals board, forest practices board, gambling commission, life sciences discovery fund authority board of trustees, Washington health care

facilities authority, each member of the Washington health services commission, higher education coordinating board, higher education facilities authority, horse racing commission, state housing finance commission, human rights commission, indeterminate sentence review board, board of industrial insurance appeals, (~~information services board,~~) recreation and conservation funding board, state investment board, commission on judicial conduct, legislative ethics board, liquor control board, lottery commission, marine oversight board, Pacific Northwest electric power and conservation planning council, parks and recreation commission, board of pilotage commissioners, pollution control hearings board, public disclosure commission, public pension commission, shorelines hearings board, public employees' benefits board, salmon recovery funding board, board of tax appeals, transportation commission, University of Washington board of regents, utilities and transportation commission, Washington state maritime commission, Washington personnel resources board, Washington public power supply system executive board, Washington State University board of regents, Western Washington University board of trustees, and fish and wildlife commission.

NEW SECTION. Sec. 111. Section 109 of this act takes effect January 1, 2012.

NEW SECTION. Sec. 112. Section 110 of this act expires January 1, 2012.

**PART II**  
**POWERS AND DUTIES TRANSFERRED FROM**  
**THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Sec. 201.** RCW 43.19.011 and 1999 c 229 s 2 are each amended to read as follows:

(1) The director of (~~general administration~~) enterprise services shall supervise and administer the activities of the department of (~~general administration~~) enterprise services and shall advise the governor and the legislature with respect to matters under the jurisdiction of the department.

(2) In addition to other powers and duties granted to the director, the director shall have the following powers and duties:

(a) Enter into contracts on behalf of the state to carry out the purposes of this chapter;

(b) Accept and expend gifts and grants that are related to the purposes of this chapter, whether such grants be of federal or other funds;

(c) Appoint (~~(a)~~) deputy (~~director~~) and (~~such~~) assistant directors and such other special assistants as may be needed to administer the department. These employees are exempt from the provisions of chapter 41.06 RCW;

(d) Adopt rules in accordance with chapter 34.05 RCW and perform all other functions necessary and proper to carry out the purposes of this chapter;

(e) Delegate powers, duties, and functions as the director deems necessary for efficient administration, but the director shall be responsible for the official acts of the officers and employees of the department; (~~and~~)

(f) Apply for grants from public and private entities, and receive and administer any grant funding received for the purpose and intent of this chapter;  
and

(g) Perform other duties as are necessary and consistent with law.

(3) The director may establish additional advisory groups as may be necessary to carry out the purposes of this chapter.

~~((4) The internal affairs of the department shall be under the control of the director in order that the director may manage the department in a flexible and intelligent manner as dictated by changing contemporary circumstances. Unless specifically limited by law, the director shall have complete charge and supervisory powers over the department. The director may create such administrative structures as the director deems appropriate, except as otherwise specified by law, and the director may employ such personnel as may be necessary in accordance with chapter 41.06 RCW, except as otherwise provided by law.))~~

**Sec. 202.** RCW 43.19.025 and 2002 c 332 s 3 are each amended to read as follows:

The ~~((general administration))~~ enterprise services account is created in the custody of the state treasurer and shall be used for all activities previously budgeted and accounted for in the following internal service funds: The motor transport account, the ~~((general administration))~~ enterprise services management fund, the ~~((general administration))~~ enterprise services facilities and services revolving fund, the central stores revolving fund, the surplus property purchase revolving fund, and the energy efficiency services account. Only the director or the director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW.

**Sec. 203.** RCW 43.19.035 and 2005 c 16 s 1 are each amended to read as follows:

(1) The commemorative works account is created in the custody of the state treasurer and shall be used by the department of ~~((general administration))~~ enterprise services for the ongoing care, maintenance, and repair of commemorative works on the state capitol grounds. Only the director or the director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not necessary for expenditures.

(2) For purposes of this section, "state capitol grounds" means buildings and land owned by the state and otherwise designated as state capitol grounds, including the west capitol campus, the east capitol campus, the north capitol campus, the Tumwater campus, the Lacey campus, Sylvester Park, Centennial Park, the Old Capitol Building, and Capitol Lake.

**Sec. 204.** RCW 43.19.125 and 2007 c 520 s 6014 are each amended to read as follows:

(1) The director of ~~((general administration, through the division of capitol buildings,))~~ enterprise services shall have custody and control of the capitol buildings and grounds, supervise and direct proper care, heating, lighting and repairing thereof, and designate rooms in the capitol buildings to be occupied by various state officials.

(2) During the 2007-2009 biennium, responsibility for development of the "Wheeler block" on the capitol campus as authorized in section 6013, chapter 520, Laws of 2007 shall be transferred from the department of general administration to the department of information services. ~~((The department of general administration and the department of information services shall develop~~

~~a joint operating agreement for the new facilities on the "Wheeler block" and provide copies of that agreement to the appropriate committees of the legislature by December 30, 2008.~~

~~(3) During the 2007-2009 biennium, responsibility for development of the Pritchard building rehabilitation on the capitol campus as authorized in section 1090, chapter 520, Laws of 2007 shall be transferred from the department of general administration to the statute law committee.)~~

**Sec. 205.** RCW 43.19.180 and 2009 c 549 s 5063 are each amended to read as follows:

~~The director of ((general administration shall appoint and deputize an assistant director to be known as the state purchasing and material control director, who shall have charge and supervision of the division of purchasing. In this capacity he or she))~~ enterprise services shall ensure that overall state purchasing and material control policy is implemented by state agencies, including educational institutions, within established time limits.

~~((With the approval of the director of general administration, he or she may appoint and employ such assistants and personnel as may be necessary to carry on the work of the division.))~~

**Sec. 206.** RCW 43.19.185 and 1987 c 47 s 1 are each amended to read as follows:

(1) The director ~~((of general administration through the state purchasing and material control director))~~ shall develop a system for state agencies and departments to use credit cards or similar devices to make purchases. The director may contract to administer the credit cards.

(2) The director ~~((of general administration through the state purchasing and material control director))~~ shall adopt rules for:

- (a) The distribution of the credit cards;
- (b) The authorization and control of the use of the credit cards;
- (c) The credit limits available on the credit cards;
- (d) Instructing users of gasoline credit cards to use self-service islands whenever possible;
- (e) Payments of the bills; and
- (f) Any other rule necessary to implement or administer the program under this section.

**Sec. 207.** RCW 43.19.190 and 2002 c 200 s 3 are each amended to read as follows:

The director ~~((of general administration, through the state purchasing and material control director,))~~ shall:

(1) ~~((Establish and staff such administrative organizational units within the division of purchasing as may be necessary for effective administration of the provisions of RCW 43.19.190 through 43.19.1939))~~ Develop rules and standards governing the acquisition and disposition of goods and services;

(2) ~~((Purchase all material, supplies, services, and equipment needed for the support, maintenance, and use of all state institutions, colleges, community colleges, technical colleges, college districts, and universities, the offices of the elective state officers, the supreme court, the court of appeals, the administrative and other departments of state government, and the offices of all appointive officers of the state))~~ Enter into contracts on behalf of the state to carry out the

following: To purchase, lease, rent or otherwise acquire, dispose of, and maintain assets, licenses, purchased goods and services, client services, and personal services, or to delegate to other agencies and institutions of state government, under appropriate standards, the authority to purchase, lease, rent or otherwise acquire, dispose of, and maintain assets, licenses, purchased goods and services, client services, and personal services. Agencies and institutions of state government are expressly prohibited from acquiring or disposing of such assets, licenses, purchased services, and personal services without such delegation of authority: PROVIDED, That the provisions of RCW 43.19.190 through 43.19.1937 do not apply in any manner to the operation of the state legislature except as requested by the legislature: PROVIDED, That any agency may purchase material, supplies, services, and equipment for which the agency has notified the purchasing and material control director that it is more cost-effective for the agency to make the purchase directly from the vendor: PROVIDED, That primary authority for the purchase of specialized equipment, instructional, and research material for their own use shall rest with the colleges, community colleges, and universities: PROVIDED FURTHER, That universities operating hospitals and the ~~((state purchasing and material control))~~ director, as the agent for state hospitals as defined in RCW 72.23.010, and for health care programs provided in state correctional institutions as defined in RCW 72.65.010(3) and veterans' institutions as defined in RCW 72.36.010 and 72.36.070, may make purchases for hospital operation by participating in contracts for materials, supplies, and equipment entered into by nonprofit cooperative hospital group purchasing organizations: PROVIDED FURTHER, That primary authority for the purchase of materials, supplies, and equipment for resale to other than public agencies shall rest with the state agency concerned: PROVIDED FURTHER, That authority to purchase services as included herein does not apply to personal services as defined in chapter 39.29 RCW, unless such organization specifically requests assistance from the ~~((division of purchasing))~~ department of enterprise services in obtaining personal services and resources are available within the ~~((division))~~ department to provide such assistance: ~~((PROVIDED FURTHER, That the authority for the purchase of insurance and bonds shall rest with the risk manager under RCW 43.19.1935:))~~ PROVIDED FURTHER, That, except for the authority of the risk manager to purchase insurance and bonds, the director is not required to provide purchasing services for institutions of higher education that choose to exercise independent purchasing authority under RCW 28B.10.029: PROVIDED FURTHER, That the authority to purchase interpreter services and interpreter brokerage services on behalf of limited-English speaking or sensory-impaired applicants and recipients of public assistance shall rest with the department of social and health services in consultation with the department;

(3) Have authority to delegate to state agencies authorization to purchase or sell, which authorization shall specify restrictions as to dollar amount or to specific types of material, equipment, services, and supplies. Acceptance of the purchasing authorization by a state agency does not relieve such agency from conformance with other sections of RCW 43.19.190 through 43.19.1939, or from policies established by the director. Also, delegation of such authorization to a state agency, including an educational institution to which this section applies, to purchase or sell material, equipment, services, and supplies shall not

be granted, or otherwise continued under a previous authorization, if such agency is not in substantial compliance with overall state purchasing and material control policies as established herein;

(4) Contract for the testing of material, supplies, and equipment with public and private agencies as necessary and advisable to protect the interests of the state;

(5) ~~((Prescribe the manner of inspecting all deliveries of supplies, materials, and equipment purchased through the division))~~ Develop statewide or interagency procurement policies, standards, and procedures;

(6) ~~((Prescribe the manner in which supplies, materials, and equipment purchased through the division shall be delivered, stored, and distributed))~~ Provide direction concerning strategic planning goals and objectives related to state purchasing and contracts activities. The director shall seek input from the legislature and the judiciary;

(7) ~~((Provide for the maintenance of a catalogue library, manufacturers' and wholesalers' lists, and current market information))~~ Develop and implement a process for the resolution of appeals by:

(a) Vendors concerning the conduct of an acquisition process by an agency or the department; or

(b) A customer agency concerning the provision of services by the department or by other state providers;

(8) Establish policies for the periodic review by the department of agency performance which may include but are not limited to analysis of:

(a) Planning, management, purchasing control, and use of purchased services and personal services;

(b) Training and education; and

(c) Project management;

~~((8))~~ (9) Provide for a commodity classification system and may, in addition, provide for the adoption of standard specifications;

~~((9) Provide for the maintenance of inventory records of supplies, materials, and other property;))~~

(10) Prepare rules and regulations governing the relationship and procedures between the ~~((division of purchasing))~~ department and state agencies and vendors;

(11) Publish procedures and guidelines for compliance by all state agencies, including those educational institutions to which this section applies, which implement overall state purchasing and material control policies;

(12) Advise state agencies, including educational institutions, regarding compliance with established purchasing and material control policies under existing statutes.

**Sec. 208.** RCW 43.19.1905 and 2009 c 486 s 10 are each amended to read as follows:

(1) The director of ~~((general administration))~~ enterprise services shall establish overall state policy for compliance by all state agencies, including educational institutions, regarding the following purchasing and material control functions:

(a) Development of a state commodity coding system~~((, including common stock numbers for items maintained in stores for reissue;~~

~~(b) Determination where consolidations, closures, or additions of stores operated by state agencies and educational institutions should be initiated;~~

~~(c) Institution of standard criteria for determination of when and where an item in the state supply system should be stocked;~~

~~(d) Establishment of stock levels to be maintained in state stores, and formulation of standards for replenishment of stock;~~

~~(e) Formulation of an overall distribution and redistribution system for stock items which establishes sources of supply support for all agencies, including interagency supply support;~~

~~(f) Determination of what function data processing equipment, including remote terminals, shall perform in statewide purchasing and material control for improvement of service and promotion of economy;~~

~~(g) Standardization of records and forms used statewide for supply system activities involving purchasing, receiving, inspecting, storing, requisitioning, and issuing functions, including a);~~

~~(b) A~~ standard notification form for state agencies to report cost-effective direct purchases, which shall at least identify the price of the goods as available through the ~~((division of purchasing))~~ department, the price of the goods as available from the alternative source, the total savings, and the signature of the notifying agency's director or the director's designee;

~~((H))~~ (c) Screening of supplies, material, and equipment excess to the requirements of one agency for overall state need before sale as surplus;

~~((i) Establishment of warehouse operation and storage standards to achieve uniform, effective, and economical stores operations;~~

~~(j) Establishment of time limit standards for the issuing of material in store and for processing requisitions requiring purchase;~~

~~(k) Formulation of criteria for)~~

~~(d) Determining when centralized rather than decentralized purchasing shall be used to obtain maximum benefit of volume buying of identical or similar items, including procurement from federal supply sources;~~

~~((H))~~ (e) Development of criteria for use of leased, rather than state owned, warehouse space based on relative cost and accessibility;

~~((m) Institution of standard criteria for purchase and placement of state furnished materials, carpeting, furniture, fixtures, and nonfixed equipment, in newly constructed or renovated state buildings;~~

~~(n))~~ (f) Determination of how transportation costs incurred by the state for materials, supplies, services, and equipment can be reduced by improved freight and traffic coordination and control;

~~((o))~~ (g) Establishment of a formal certification program for state employees who are authorized to perform purchasing functions as agents for the state under the provisions of chapter 43.19 RCW;

~~((p))~~ (h) Development of performance measures for the reduction of total overall expense for material, supplies, equipment, and services used each biennium by the state;

~~((q))~~ (i) Establishment of a standard system for all state organizations to record and report dollar savings and cost avoidance which are attributable to the establishment and implementation of improved purchasing and material control procedures;

~~((†))~~ (j) Development of procedures for mutual and voluntary cooperation between state agencies, including educational institutions, and political subdivisions for exchange of purchasing and material control services;

~~((‡))~~ (k) Resolution of all other purchasing and material matters which require the establishment of overall statewide policy for effective and economical supply management;

~~((†))~~ (l) Development of guidelines and criteria for the purchase of vehicles, high gas mileage vehicles, alternate vehicle fuels and systems, equipment, and materials that reduce overall energy-related costs and energy use by the state, including investigations into all opportunities to aggregate the purchasing of clean technologies by state and local governments, and including the requirement that new passenger vehicles purchased by the state meet the minimum standards for passenger automobile fuel economy established by the United States secretary of transportation pursuant to the energy policy and conservation act (15 U.S.C. Sec. 2002);

~~((†))~~ (m) Development of goals for state use of recycled or environmentally preferable products through specifications for products and services, processes for requests for proposals and requests for qualifications, contractor selection, and contract negotiations;

~~((‡))~~ (n) Development of procurement policies and procedures, such as unbundled contracting and subcontracting, that encourage and facilitate the purchase of products and services by state agencies and institutions from Washington small businesses to the maximum extent practicable and consistent with international trade agreement commitments;

~~((‡))~~ (o) Development of food procurement procedures and materials that encourage and facilitate the purchase of Washington grown food by state agencies and institutions to the maximum extent practicable and consistent with international trade agreement commitments; and

~~((‡))~~ (p) Development of policies requiring all food contracts to include a plan to maximize to the extent practicable and consistent with international trade agreement commitments the availability of Washington grown food purchased through the contract.

~~(2) ((The department of general administration shall convene a working group including representatives of the office of financial management, the department of information services, and the state printer. The purpose of the working group is to work collaboratively to develop common policies and procedures that encourage and facilitate state government purchases from Washington small businesses, as required in subsection (1)(v) of this section, and in RCW 39.29.065, 43.78.110, and 43.105.041(1)(j). By December 1, 2009, these central services agencies shall jointly provide a written progress report to the governor and legislature on actions taken and planned, barriers identified, and solutions recommended to reach this goal.~~

~~(3))~~ The definitions in this subsection apply throughout this section and RCW 43.19.1908.

(a) "Common vendor registration and bid notification system" has the definition in RCW 39.29.006.

(b) "Small business" has the definition in RCW 39.29.006.

(c) "Washington grown" has the definition in RCW 15.64.060.



**Sec. 209.** RCW 43.19.19052 and 1998 c 245 s 54 are each amended to read as follows:

Initial policy determinations for the functions described in RCW 43.19.1905 shall be developed and published within the 1975-77 biennium by the director for guidance and compliance by all state agencies, including educational institutions, involved in purchasing and material control. Modifications to these initial supply management policies established during the 1975-77 biennium shall be instituted by the director in future biennia as required to maintain an efficient and up-to-date state supply management system.

It is the intention of the legislature that measurable improvements in the effectiveness and economy of supply management in state government shall be achieved during the 1975-77 biennium, and each biennium thereafter. All agencies, departments, offices, divisions, boards, and commissions and educational, correctional, and other types of institutions are required to cooperate with and support the development and implementation of improved efficiency and economy in purchasing and material control. To effectuate this legislative intention, the director(~~(, through the state purchasing and material control director, shall have)~~) has the authority to direct and require the submittal of data from all state organizations concerning purchasing and material control matters.

**Sec. 210.** RCW 43.19.1906 and 2008 c 215 s 5 are each amended to read as follows:

Insofar as practicable, all purchases and sales shall be based on competitive bids, and a formal sealed, electronic, or web-based bid procedure, subject to RCW 43.19.1911, shall be used as standard procedure for all purchases and contracts for purchases and sales executed by the (~~state purchasing and material control~~) director and under the powers granted by RCW 43.19.190 through 43.19.1939. This requirement also applies to purchases and contracts for purchases and sales executed by agencies, including educational institutions, under delegated authority granted in accordance with provisions of RCW 43.19.190 or under RCW 28B.10.029. However, formal sealed, electronic, or web-based competitive bidding is not necessary for:

(1) Emergency purchases made pursuant to RCW 43.19.200 if the sealed bidding procedure would prevent or hinder the emergency from being met appropriately;

(2) (~~Purchases not exceeding thirty five thousand dollars, or subsequent limits as calculated by the office of financial management: PROVIDED, That the state director of general administration shall establish procedures to assure that purchases made by or on behalf of the various state agencies shall not be made so as to avoid the thirty five thousand dollar bid limitation, or subsequent bid limitations as calculated by the office of financial management: PROVIDED FURTHER, That the state purchasing and material control director is authorized to reduce the formal sealed bid limits of thirty five thousand dollars, or subsequent limits as calculated by the office of financial management, to a lower dollar amount for purchases by individual state agencies if considered necessary to maintain full disclosure of competitive procurement or otherwise to achieve overall state efficiency and economy in purchasing and material control. Quotations from three thousand dollars to thirty five thousand dollars, or subsequent limits as calculated by the office of financial management, shall be~~)

~~secured from at least three vendors to assure establishment of a competitive price and may be obtained by telephone or written quotations, or both. The agency shall invite at least one quotation each from a certified minority and a certified women-owned vendor who shall otherwise qualify to perform such work. Immediately after the award is made, the bid quotations obtained shall be recorded and open to public inspection and shall be available by telephone inquiry. A record of competition for all such purchases from three thousand dollars to thirty five thousand dollars, or subsequent limits as calculated by the office of financial management, shall be documented for audit purposes. Purchases up to three thousand dollars may be made without competitive bids based on buyer experience and knowledge of the market in achieving maximum quality at minimum cost.)~~ Direct buy purchases and informal competitive bidding, as designated by the director of enterprise services. The director of enterprise services shall establish policies annually to define criteria and dollar thresholds for direct buy purchases and informal competitive bidding limits. These criteria may be adjusted to accommodate special market conditions and to promote market diversity for the benefit of the citizens of the state of Washington;

(3) Purchases which are clearly and legitimately limited to a single source of supply and purchases involving special facilities, services, or market conditions, in which instances the purchase price may be best established by direct negotiation;

(4) Purchases of insurance and bonds by the risk management ~~((division))~~ office under RCW 43.41.310 (as recodified by this act);

(5) Purchases and contracts for vocational rehabilitation clients of the department of social and health services: PROVIDED, That this exemption is effective only when the ~~((state purchasing and material control))~~ director of enterprise services, after consultation with the director of the division of vocational rehabilitation and appropriate department of social and health services procurement personnel, declares that such purchases may be best executed through direct negotiation with one or more suppliers in order to expeditiously meet the special needs of the state's vocational rehabilitation clients;

(6) Purchases by universities for hospital operation or biomedical teaching or research purposes and by the ~~((state purchasing and material control))~~ director of enterprise services, as the agent for state hospitals as defined in RCW 72.23.010, and for health care programs provided in state correctional institutions as defined in RCW 72.65.010(3) and veterans' institutions as defined in RCW 72.36.010 and 72.36.070, made by participating in contracts for materials, supplies, and equipment entered into by nonprofit cooperative hospital group purchasing organizations;

(7) Purchases for resale by institutions of higher education to other than public agencies when such purchases are for the express purpose of supporting instructional programs and may best be executed through direct negotiation with one or more suppliers in order to meet the special needs of the institution;

~~(8) Purchases by institutions of higher education ((not exceeding thirty five thousand dollars: PROVIDED, That for purchases between three thousand dollars and thirty five thousand dollars quotations shall be secured from at least three vendors to assure establishment of a competitive price and may be~~

~~obtained by telephone or written quotations, or both. For purchases between three thousand dollars and thirty five thousand dollars, each institution of higher education shall invite at least one quotation each from a certified minority and a certified women-owned vendor who shall otherwise qualify to perform such work. A record of competition for all such purchases made from three thousand to thirty five thousand dollars shall be documented for audit purposes))~~ under RCW 43.19.190(2), direct buy purchases, and informal competitive bidding, as designated by the director of enterprise services; and

(9) Off-contract purchases of Washington grown food when such food is not available from Washington sources through an existing contract. However, Washington grown food purchased under this subsection must be of an equivalent or better quality than similar food available through the contract and be able to be paid from the agency's existing budget. This requirement also applies to purchases and contracts for purchases executed by state agencies, including institutions of higher education, under delegated authority granted in accordance with RCW 43.19.190 or under RCW 28B.10.029(~~and~~

~~(10) Negotiation of a contract by the department of transportation, valid until June 30, 2001, with registered tow truck operators to provide roving service patrols in one or more Washington state patrol tow zones whereby those registered tow truck operators wishing to participate would cooperatively, with the department of transportation, develop a demonstration project upon terms and conditions negotiated by the parties)).~~

Beginning on July 1, 1995, and on July 1st of each succeeding odd-numbered year, the dollar limits specified in this section shall be adjusted as follows: The office of financial management shall calculate such limits by adjusting the previous biennium's limits by the appropriate federal inflationary index reflecting the rate of inflation for the previous biennium. Such amounts shall be rounded to the nearest one hundred dollars. ~~((However, the three thousand dollar figure in subsections (2) and (8) of this section may not be adjusted to exceed five thousand dollars.))~~

As used in this section, "Washington grown" has the definition in RCW 15.64.060.

**Sec. 211.** RCW 43.19.1908 and 2009 c 486 s 11 are each amended to read as follows:

Competitive bidding required by RCW 43.19.190 through 43.19.1939 shall be solicited by public notice, by posting of the contract opportunity on the state's common vendor registration and bid notification system, and through the sending of notices by mail, electronic transmission, or other means to bidders on the appropriate list of bidders who shall have qualified by application to the ~~((division of purchasing))~~ department. Bids may be solicited by the ~~((purchasing division))~~ department from any source thought to be of advantage to the state. All bids shall be in written or electronic form and conform to rules of the ~~((division of purchasing))~~ department.

**Sec. 212.** RCW 43.19.1913 and 1965 c 8 s 43.19.1913 are each amended to read as follows:

The ~~((division of purchasing))~~ department may reject the bid of any bidder who has failed to perform satisfactorily a previous contract with the state.

**Sec. 213.** RCW 43.19.1915 and 2009 c 549 s 5064 are each amended to read as follows:

When any bid has been accepted, the ~~((division of purchasing))~~ department may require of the successful bidder a bond payable to the state in such amount with such surety or sureties as determined by the ~~((division of purchasing))~~ department, conditioned that he or she will fully, faithfully and accurately execute the terms of the contract into which he or she has entered. The bond shall be filed in the ~~((office of the division of purchasing))~~ department. Bidders who regularly do business with the state shall be permitted to file with the ~~((division of purchasing))~~ department an annual bid bond in an amount established by the ~~((division))~~ department and such annual bid bond shall be acceptable as surety in lieu of furnishing surety with individual bids.

**Sec. 214.** RCW 43.19.1917 and 1979 c 88 s 3 are each amended to read as follows:

All state agencies, including educational institutions, shall maintain a perpetual record of ownership of state owned equipment, which shall be available for the inspection and check of those officers who are charged by law with the responsibility for auditing the records and accounts of the state organizations owning the equipment, or to such other special investigators and others as the governor may direct. In addition, these records shall be made available to members of the legislature, the legislative committees, and legislative staff on request.

All state agencies, including educational institutions, shall account to the office of financial management upon request for state equipment owned by, assigned to, or otherwise possessed by them and maintain such records as the office of financial management deems necessary for proper accountability therefor. The office of financial management shall publish a procedural directive for compliance by all state agencies, including educational institutions, which establishes a standard method of maintaining records for state owned equipment, including the use of standard state forms. This published directive also shall include instructions for reporting to the ~~((division of purchasing))~~ department all state equipment which is excess to the needs of state organizations owning such equipment. The term "state equipment" means all items of machines, tools, furniture, or furnishings other than expendable supplies and materials as defined by the office of financial management.

**Sec. 215.** RCW 43.19.1919 and 2000 c 183 s 1 are each amended to read as follows:

The ~~((division of purchasing))~~ department shall sell or exchange personal property belonging to the state for which the agency, office, department, or educational institution having custody thereof has no further use, at public or private sale, and cause the moneys realized from the sale of any such property to be paid into the fund from which such property was purchased or, if such fund no longer exists, into the state general fund. This requirement is subject to the following exceptions and limitations:

(1) This section does not apply to property under RCW 27.53.045, 28A.335.180, or 43.19.1920;

(2) Sales of capital assets may be made by the ~~((division of purchasing))~~ department and a credit established ~~((in central stores))~~ for future purchases of capital items as provided for in RCW 43.19.190 through 43.19.1939;

(3) Personal property, excess to a state agency, including educational institutions, shall not be sold or disposed of prior to reasonable efforts by the ~~((division of purchasing))~~ department to determine if other state agencies have a requirement for such personal property. Such determination shall follow sufficient notice to all state agencies to allow adequate time for them to make their needs known. Surplus items may be disposed of without prior notification to state agencies if it is determined by the director ~~((of general administration))~~ to be in the best interest of the state. The ~~((division of purchasing))~~ department shall maintain a record of disposed surplus property, including date and method of disposal, identity of any recipient, and approximate value of the property;

(4) This section does not apply to personal property acquired by a state organization under federal grants and contracts if in conflict with special title provisions contained in such grants or contracts;

(5) A state agency having a surplus personal property asset with a fair market value of less than five hundred dollars may transfer the asset to another state agency without charging fair market value. A state agency conducting this action must maintain adequate records to comply with agency inventory procedures and state audit requirements.

**Sec. 216.** RCW 43.19.1919 and 1999 c 186 s 1 are each amended to read as follows:

(1) In addition to disposing of property under RCW 28A.335.180, 39.33.010, 43.19.1919, and 43.19.1920, state-owned, surplus computers and computer-related equipment may be donated to any school district or educational service district under the guidelines and distribution standards established pursuant to subsection (2) of this section.

(2) ~~((By September 1, 1999,))~~ The department and office of the superintendent of public instruction shall jointly develop guidelines and distribution standards for the donation of state-owned, surplus computers and computer-related equipment to school districts and educational service districts. The guidelines and distribution standards shall include considerations for quality, school-district needs, and accountability, and shall give priority to meeting the computer-related needs of children with disabilities, including those disabilities necessitating the portability of laptop computers. The guidelines must be updated as needed.

**Sec. 217.** RCW 43.19.1920 and 1995 c 399 s 63 are each amended to read as follows:

The ~~((division of purchasing))~~ department may donate state-owned, surplus, tangible personal property to shelters that are: Participants in the department of ~~((community, trade, and economic development's))~~ commerce's emergency shelter assistance program; and operated by nonprofit organizations or units of local government providing emergency or transitional housing for homeless persons. A donation may be made only if all of the following conditions have been met:

(1) The ~~((division of purchasing))~~ department has made reasonable efforts to determine if any state agency has a requirement for such personal property and

no such agency has been identified. Such determination shall follow sufficient notice to all state agencies to allow adequate time for them to make their needs known;

(2) The agency owning the property has authorized the ~~((division of purchasing))~~ department to donate the property in accordance with this section;

(3) The nature and quantity of the property in question is directly germane to the needs of the homeless persons served by the shelter and the purpose for which the shelter exists and the shelter agrees to use the property for such needs and purposes; and

(4) The director ~~((of general administration))~~ has determined that the donation of such property is in the best interest of the state.

**Sec. 218.** RCW 43.19.19201 and 1995 c 399 s 64 are each amended to read as follows:

(1) The department ~~((of general administration))~~ shall identify and catalog real property that is no longer required for department purposes and is suitable for the development of affordable housing for very low-income, low-income, and moderate-income households as defined in RCW 43.63A.510. The inventory shall include the location, approximate size, and current zoning classification of the property. The department ~~((of general administration))~~ shall provide a copy of the inventory to the department of ~~((community, trade, and economic development))~~ commerce by November 1, 1993, and every November 1 thereafter.

(2) By November 1 of each year, beginning in 1994, the department ~~((of general administration))~~ shall purge the inventory of real property of sites that are no longer available for the development of affordable housing. The department shall include an updated listing of real property that has become available since the last update. As used in this section, "real property" means buildings, land, or buildings and land.

**Sec. 219.** RCW 43.19.1921 and 1979 c 151 s 100 are each amended to read as follows:

The director ~~((of general administration, through the division of purchasing,))~~ shall:

(1) Establish and maintain warehouses ~~((hereinafter referred to as "central stores"))~~ for the centralized storage and distribution of such supplies, equipment, and other items of common use in order to effect economies in the purchase of supplies and equipment for state agencies. To provide ~~((central stores))~~ warehouse facilities the ~~((division of purchasing))~~ department may, by arrangement with the state agencies, utilize any surplus available state owned space, and may acquire other needed warehouse facilities by lease or purchase of the necessary premises;

(2) Provide for the central salvage ~~((, maintenance, repair, and servicing))~~ of equipment, furniture, or furnishings used by state agencies, and also by means of such a service provide an equipment pool for effecting sales and exchanges of surplus and unused property by and between state agencies. ~~((Funds derived from the sale and exchange of property shall be placed to the account of the appropriate state agency on the central stores accounts but such funds may not be expended through central stores without prior approval of the office of financial management.))~~

**Sec. 220.** RCW 43.19.1932 and 1989 c 185 s 2 are each amended to read as follows:

The department of corrections shall be exempt from the following provisions of this chapter in respect to goods or services purchased or sold pursuant to the operation of correctional industries: RCW 43.19.180, 43.19.190, 43.19.1901, 43.19.1905, 43.19.1906, 43.19.1908, 43.19.1911, 43.19.1913, 43.19.1915, 43.19.1917, 43.19.1919, 43.19.1921, ~~((43.19.1925,))~~ and 43.19.200.

**Sec. 221.** RCW 43.19.200 and 2009 c 549 s 5066 are each amended to read as follows:

(1) The governing authorities of the state's educational institutions, the elective state officers, the supreme court, the court of appeals, the administrative and other departments of the state government, and all appointive officers of the state, shall prepare estimates of the supplies required for the proper conduct and maintenance of their respective institutions, offices, and departments, covering periods to be fixed by the director, and forward them to the director in accordance with his or her directions. No such authorities, officers, or departments, or any officer or employee thereof, may purchase any article for the use of their institutions, offices, or departments, except in case of emergency purchases as provided in subsection (2) of this section.

(2) The authorities, officers, and departments enumerated in subsection (1) of this section may make emergency purchases in response to unforeseen circumstances beyond the control of the agency which present a real, immediate, and extreme threat to the proper performance of essential functions or which may reasonably be expected to result in excessive loss or damage to property, bodily injury, or loss of life. When an emergency purchase is made, the agency head shall submit written notification of the purchase, within three days of the purchase, to the director ~~((of general administration))~~. This notification shall contain a description of the purchase, description of the emergency and the circumstances leading up to the emergency, and an explanation of why the circumstances required an emergency purchase.

(3) Purchases made for the state's educational institutions, the offices of the elective state officers, the supreme court, the court of appeals, the administrative and other departments of the state government, and the offices of all appointive officers of the state, shall be paid for out of the moneys appropriated for supplies, material, and service of the respective institutions, offices, and departments.

(4) The director ~~((of general administration))~~ shall submit, on an annual basis, the written notifications required by subsection (2) of this section to the director of financial management.

**Sec. 222.** RCW 43.19.450 and 1994 c 264 s 15 are each amended to read as follows:

The director ~~((of general administration))~~ shall appoint ~~((and deputize an assistant director to be known as the))~~ a supervisor of engineering and architecture ~~((who shall have charge and supervision of the division of engineering and architecture. With the approval of the director, the supervisor may appoint and employ such assistants and personnel as may be necessary to carry out the work of the division))~~.

~~(No)~~ A person ~~((shall be))~~ is not eligible for appointment as supervisor of engineering and architecture unless he or she is licensed to practice the profession of engineering or the profession of architecture in the state of Washington and for the last five years prior to his or her appointment has been licensed to practice the profession of engineering or the profession of architecture.

As used in this section, "state facilities" includes all state buildings, related structures, and appurtenances constructed for any elected state officials, institutions, departments, boards, commissions, colleges, community colleges, except the state universities, The Evergreen State College and regional universities. "State facilities" does not include facilities owned by or used for operational purposes and constructed for the department of transportation, department of fish and wildlife, department of natural resources, or state parks and recreation commission.

The director ~~((of general administration, through the division of engineering and architecture))~~ or the director's designee shall:

(1) Prepare cost estimates and technical information to accompany the capital budget and prepare or contract for plans and specifications for new construction and major repairs and alterations to state facilities.

(2) Contract for professional architectural, engineering, and related services for the design of new state facilities and major repair or alterations to existing state facilities.

(3) Provide contract administration for new construction and the repair and alteration of existing state facilities.

(4) In accordance with the public works laws, contract on behalf of the state for the new construction and major repair or alteration of state facilities.

The director may delegate any and all of the functions under subsections (1) through (4) of this section to any agency upon such terms and conditions as considered advisable.

~~((The director may delegate the authority granted to the department under RCW 39.04.150 to any agency upon such terms as considered advisable.))~~

**Sec. 223.** RCW 43.19.455 and 2005 c 36 s 6 are each amended to read as follows:

Except as provided under RCW 43.17.210, the Washington state arts commission shall determine the amount to be made available for the purchase of art under RCW 43.17.200 in consultation with the director ~~((of general administration))~~, and payments therefor shall be made in accordance with law. The designation of projects and sites, selection, contracting, purchase, commissioning, reviewing of design, execution and placement, acceptance, maintenance, and sale, exchange, or disposition of works of art shall be the responsibility of the Washington state arts commission in consultation with the director ~~((of general administration))~~.

**Sec. 224.** RCW 43.19.500 and 2005 c 330 s 6 are each amended to read as follows:

The ~~((general administration))~~ enterprise services account shall be used by the department ~~((of general administration))~~ for the payment of certain costs, expenses, and charges, as specified in this section, incurred by it in the operation and administration of the department in the rendering of services, the furnishing



or supplying of equipment, supplies and materials, and for providing or allocating facilities, including the operation, maintenance, rehabilitation, or furnishings thereof to other agencies, offices, departments, activities, and other entities enumerated in RCW 43.01.090 and including the rendering of services in acquiring real estate under RCW 43.82.010 and the operation and maintenance of public and historic facilities at the state capitol, as defined in RCW 79.24.710. The department shall treat the rendering of services in acquiring real estate and the operation and maintenance of state capitol public and historic facilities as separate operating entities within the account for financial accounting and control.

The schedule of services, facilities, equipment, supplies, materials, maintenance, rehabilitation, furnishings, operations, and administration to be so financed and recovered shall be determined jointly by the director (~~(of general administration)~~) and the director of financial management, in equitable amounts which, together with any other income or appropriation, will provide the department (~~(of general administration)~~) with funds to meet its anticipated expenditures during any allotment period.

The director (~~(of general administration)~~) may adopt rules governing the provisions of RCW 43.01.090 and this section and the relationships and procedures between the department (~~(of general administration)~~) and such other entities.

**Sec. 225.** RCW 43.19.501 and 2009 c 564 s 932 are each amended to read as follows:

The Thurston county capital facilities account is created in the state treasury. The account is subject to the appropriation and allotment procedures under chapter 43.88 RCW. Moneys in the account may be expended for capital projects in facilities owned and managed by the department (~~(of general administration)~~) in Thurston county. For the 2007-2009 biennium, moneys in the account may be used for predesign identified in section 1037, chapter 328, Laws of 2008.

During the 2009-2011 fiscal biennium, the legislature may transfer from the Thurston county capital facilities account to the state general fund such amounts as reflect the excess fund balance of the account.

**Sec. 226.** RCW 43.19.530 and 2005 c 204 s 2 are each amended to read as follows:

The state agencies and departments are hereby authorized to purchase products and/or services manufactured or provided by(~~(:~~

~~(1))~~ community rehabilitation programs of the department of social and health services(~~;~~~~and~~

~~(2) Until December 31, 2009, businesses owned and operated by persons with disabilities~~)).

Such purchases shall be at the fair market price of such products and services as determined by the (~~(division of purchasing of the)~~) department of (~~(general administration)~~) enterprise services. To determine the fair market price the (~~(division)~~) department shall use the last comparable bid on the products and/or services or in the alternative the last price paid for the products and/or services. The increased cost of labor, materials, and other documented costs since the last comparable bid or the last price paid are additional cost factors

which shall be considered in determining fair market price. Upon the establishment of the fair market price as provided for in this section the ~~((division))~~ department is hereby empowered to negotiate directly for the purchase of products or services with officials in charge of the community rehabilitation programs of the department of social and health services ~~((and, until December 31, 2007, businesses owned and operated by persons with disabilities))~~.

**Sec. 227.** RCW 43.19.534 and 2009 c 470 s 717 are each amended to read as follows:

(1) State agencies, the legislature, and departments shall purchase for their use all goods and services required by the legislature, agencies, or departments that are produced or provided in whole or in part from class II inmate work programs operated by the department of corrections through state contract. These goods and services shall not be purchased from any other source unless, upon application by the department or agency: (a) The department ~~((of general administration))~~ finds that the articles or products do not meet the reasonable requirements of the agency or department, (b) are not of equal or better quality, or (c) the price of the product or service is higher than that produced by the private sector. However, the criteria contained in (a), (b), and (c) of this ~~((section))~~ subsection for purchasing goods and services from sources other than correctional industries do not apply to goods and services produced by correctional industries that primarily replace goods manufactured or services obtained from outside the state. The department of corrections and department ~~((of general administration))~~ shall adopt administrative rules that implement this section.

(2) During the 2009-2011 fiscal biennium, and in conformance with section 223(11), chapter 470, Laws of 2009, this section does not apply to the purchase of uniforms by the Washington state ferries.

**Sec. 228.** RCW 43.19.538 and 1991 c 297 s 5 are each amended to read as follows:

(1) The director ~~((of general administration, through the state purchasing director,))~~ shall develop specifications and adopt rules for the purchase of products which will provide for preferential purchase of products containing recycled material by:

(a) The use of a weighting factor determined by the amount of recycled material in a product, where appropriate and known in advance to potential bidders, to determine the lowest responsible bidder. The actual dollars bid shall be the contracted amount. If the department determines, according to criteria established by rule that the use of this weighting factor does not encourage the use of more recycled material, the department shall consider and award bids without regard to the weighting factor. In making this determination, the department shall consider but not be limited to such factors as adequate competition, economics or environmental constraints, quality, and availability.

(b) Requiring a written statement of the percentage range of recycled content from the bidder providing products containing recycled [material]. The range may be stated in five percent increments.

(2) The director shall develop a directory of businesses that supply products containing significant quantities of recycled materials. This directory may be

combined with and made accessible through the database of recycled content products to be developed under RCW 43.19A.060.

(3) The director shall encourage all parties using the state purchasing office to purchase products containing recycled materials.

(4) The rules, specifications, and bid evaluation shall be consistent with recycled content standards adopted under RCW 43.19A.020.

**Sec. 229.** RCW 43.19.539 and 2006 c 183 s 36 are each amended to read as follows:

(1) The department (~~(of general administration)~~) shall establish purchasing and procurement policies that establish a preference for electronic products that meet environmental performance standards relating to the reduction or elimination of hazardous materials.

(2) The department (~~(of general administration)~~) shall ensure that their surplus electronic products, other than those sold individually to private citizens, are managed only by registered transporters and by processors meeting the requirements of RCW 70.95N.250 (~~(and section 26 of this act)~~).

(3) The department (~~(of general administration)~~) shall ensure that their surplus electronic products are directed to legal secondary materials markets by requiring a chain of custody record that documents to whom the products were initially delivered through to the end use manufacturer.

**Sec. 230.** RCW 43.19.560 and 1983 c 187 s 3 are each amended to read as follows:

As used in RCW 43.19.565 through 43.19.635, 43.41.130 and 43.41.140, the following definitions shall apply:

(1) "Passenger motor vehicle" means any sedan, station wagon, bus, or light truck which is designed for carrying ten passengers or less and is used primarily for the transportation of persons;

(2) "State agency" shall include any state office, agency, commission, department, or institution financed in whole or in part from funds appropriated by the legislature. It shall also include the Washington state school director's association (~~(and the state printer)~~), but it shall not include (a) the state supreme court or any agency of the judicial branch or (b) the legislature or any of its statutory, standing, special, or interim committees, other than at the option of the judicial or legislative agency or committee concerned;

(3) "Employee commuting" shall mean travel by a state officer or employee to or from his or her official residence or other domicile to or from his or her official duty station or other place of work;

(4) "Motor vehicle transportation services" shall include but not be limited to the furnishing of motor vehicles for the transportation of persons or property, with or without drivers, and may also include furnishing of maintenance, storage, and other support services to state agencies for the conduct of official state business.

**Sec. 231.** RCW 43.19.565 and 2005 c 214 s 1 are each amended to read as follows:

The department (~~(of general administration)~~) shall establish a motor vehicle transportation service which is hereby empowered to:

(1) Provide suitable motor vehicle transportation services to ~~((any))~~ state ~~((agency))~~ agencies on either a temporary or permanent basis ~~((upon requisition~~

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~~from a state agency))~~ and upon such demonstration of need as the department may require;

(2) Provide motor pools for the use of state agencies located in the Olympia area and such additional motor pools at other locations in the state as may be necessary to provide economic, efficient, and effective motor vehicle transportation services to state agencies. Such additional motor pools may be under either the direct control of the department or under the supervision of another state agency by agreement with the department;

(3) Establish an equitable schedule of rental and mileage charges to agencies for motor vehicle transportation services furnished which shall be designed to provide funds to ~~((cover replacement of vehicles, the purchase of additional vehicles, and to))~~ recover the actual total costs of motor pool operations including but not limited to vehicle operation expense, depreciation expense, overhead, and nonrecoverable collision or other damage to vehicles; and

(4) Establish guidelines, procedures, and standards for fleet operations that other state agencies and institutions of higher education may adopt. The guidelines, procedures, and standards shall be consistent with and carry out the objectives of any general policies adopted by the office of financial management under RCW 43.41.130.

Unless otherwise determined by the director after consultation with the office of financial management, vehicles owned and managed by the department of transportation, the department of natural resources, and the Washington state patrol are exempt from the requirements of subsections (1), (2), and (4) of this section.

**Sec. 232.** RCW 43.19.585 and 1975 1st ex.s. c 167 s 7 are each amended to read as follows:

The director ~~((of general administration shall appoint a supervisor of motor transport, who))~~ or the director's designee shall have general charge and supervision of state motor pools and motor vehicle transportation services under departmental administration and control. ~~((The appointment of all personnel, except the supervisor, shall be made pursuant to chapter 41.06 RCW, the state civil service law, as now or hereafter amended.~~

~~With the approval of))~~ The director~~((, the supervisor shall (1) appoint and employ such assistants and personnel as may be necessary, (2))~~ or the director's designee shall (1) acquire by purchase or otherwise a sufficient number of motor vehicles to fulfill state agency needs for motor vehicle transportation service, ~~((3))~~ (2) provide for necessary ~~((storage,))~~ upkeep~~((,))~~ and repair, and ~~((4))~~ (3) provide for servicing motor pool vehicles with fuel, lubricants, and other operating requirements.

**Sec. 233.** RCW 43.19.600 and 2009 c 549 s 5068 are each amended to read as follows:

(1) ~~((On or after July 1, 1975,))~~ Any passenger motor vehicles currently owned or hereafter acquired by any state agency~~((, except vehicles acquired from federal granted funds and over which the federal government retains jurisdiction and control, may))~~ shall be purchased by or transferred to the department ~~((of general administration with the consent of the state agency concerned)).~~ The director ~~((of general administration))~~ may accept vehicles

subject to the provisions of RCW 43.19.560 through 43.19.630, 43.41.130 and 43.41.140 prior to July 1, 1975, if he or she deems it expedient to accomplish an orderly transition.

(2) The department, in cooperation with the office of financial management, shall study and ascertain current and prospective needs of state agencies for passenger motor vehicles and shall ~~((recommend))~~ direct the transfer to a state motor pool or other appropriate disposition of any vehicle found not to be required by a state agency.

(3) The department shall direct the transfer of passenger motor vehicles from a state agency to a state motor pool or other disposition as appropriate, based on a study under subsection (2) of this section, ~~((or after a public hearing held by the department,))~~ if a finding is made based on ~~((testimony and))~~ data therein submitted that the economy, efficiency, or effectiveness of state government would be improved by such a transfer or other disposition of passenger motor vehicles. Any dispute over the accuracy of ~~((testimony and))~~ data submitted as to the benefits in state governmental economy, efficiency, and effectiveness to be gained by such transfer shall be resolved by the ~~((governor or the governor's designee))~~ director and the director of financial management. Unless otherwise determined by the director after consultation with the office of financial management, vehicles owned and managed by the department of transportation, the department of natural resources, and the Washington state patrol are exempt from the requirements of subsections (1) through (3) of this section.

**Sec. 234.** RCW 43.19.610 and 1998 c 105 s 12 are each amended to read as follows:

All moneys, funds, proceeds, and receipts as ~~((provided in RCW 43.19.615 and as may otherwise be))~~ provided by law shall be paid into the ~~((general administration))~~ enterprise services account. Disbursements therefrom shall be made in accordance with the provisions of RCW 43.19.560 through 43.19.630, 43.41.130 and 43.41.140 as authorized by the director or a duly authorized representative and as may be provided by law.

**Sec. 235.** RCW 43.19.620 and 2009 c 549 s 5069 are each amended to read as follows:

The director ~~((of general administration, through the supervisor of motor transport,))~~ shall adopt ~~((, promulgate,))~~ and enforce ~~((such regulations))~~ rules as may be deemed necessary to accomplish the purpose of RCW 43.19.560 through 43.19.630, 43.41.130, and 43.41.140. ~~((Such regulations))~~ The rules, in addition to other matters, shall provide authority for any agency director or his or her delegate to approve the use on official state business of personally owned or commercially owned rental passenger motor vehicles. Before such an authorization is made, it must first be reasonably determined that state owned passenger vehicles or other suitable transportation is not available at the time or location required or that the use of such other transportation would not be conducive to the economical, efficient, and effective conduct of business.

~~((Such regulations))~~ The rules shall be consistent with and shall carry out the objectives of the general policies and guidelines adopted by the office of financial management pursuant to RCW 43.41.130.

**Sec. 236.** RCW 43.19.635 and 2009 c 549 s 5071 are each amended to read as follows:

(1) The governor, acting through the department (~~(of general administration)~~) and any other appropriate agency or agencies as he or she may direct, is empowered to utilize all reasonable means for detecting the unauthorized use of state owned motor vehicles, including the execution of agreements with the state patrol for compliance enforcement. Whenever such illegal use is discovered which involves a state employee, the employing agency shall proceed as provided by law to establish the amount, extent, and dollar value of any such use, including an opportunity for notice and hearing for the employee involved. When such illegal use is so established, the agency shall assess its full cost of any mileage illegally used and shall recover such amounts by deductions from salary or allowances due to be paid to the offending official or employee by other means. Recovery of costs by the state under this subsection shall not preclude disciplinary or other action by the appropriate appointing authority or employing agency under subsection (2) of this section.

(2) Any (~~willful~~) willful and knowing violation of any provision of RCW 43.19.560 through 43.19.620, 43.41.130 and 43.41.140 shall subject the state official or employee committing such violation to disciplinary action by the appropriate appointing or employing agency. Such disciplinary action may include, but shall not be limited to, suspension without pay, or termination of employment in the case of repeated violations.

(3) Any casual or inadvertent violation of RCW 43.19.560 through 43.19.620, 43.41.130 and 43.41.140 may subject the state official or employee committing such violation to disciplinary action by the appropriate appointing authority or employing agency. Such disciplinary action may include, but need not be limited to, suspension without pay.

**Sec. 237.** RCW 43.19.646 and 2006 c 338 s 12 are each amended to read as follows:

(1) The department (~~(of general administration)~~) must assist state agencies seeking to meet the biodiesel fuel requirements in RCW 43.19.642 by coordinating the purchase and delivery of biodiesel if requested by any state agency. The department may use long-term contracts of up to ten years, when purchasing from in-state suppliers who use predominantly in-state feedstock, to secure a sufficient and stable supply of biodiesel for use by state agencies.

(2) The department shall compile and analyze the reports submitted under RCW 43.19.642(~~(4)~~) (3) and report in an electronic format its findings and recommendations to the governor and committees of the legislature with responsibility for energy issues, within sixty days from the end of each reporting period. The governor shall consider these reports in determining whether to temporarily suspend minimum renewable fuel content requirements as authorized under RCW 19.112.160.

**Sec. 238.** RCW 43.19.663 and 2002 c 285 s 4 are each amended to read as follows:

(1) The department (~~(of general administration)~~), in cooperation with public agencies, shall investigate opportunities to aggregate the purchase of clean technologies with other public agencies to determine whether or not combined purchasing can reduce the unit cost of clean technologies.

(2) State agencies that are retail electric customers shall investigate opportunities to aggregate the purchase of electricity produced from generation resources that are fueled by wind or solar energy for their facilities located within a single utility's service area, to determine whether or not combined purchasing can reduce the unit cost of those resources.

(3) No public agency is required under this section to purchase clean technologies at prohibitive costs.

(4)(a) "Electric utility" shall have the same meaning as provided under RCW 19.29A.010.

(b) "Clean technology" includes, but may not be limited to, alternative fueled hybrid-electric and fuel cell vehicles, and distributive power generation.

(c) "Distributive power generation" means the generation of electricity from an integrated or stand-alone power plant that generates electricity from wind energy, solar energy, or fuel cells.

(d) "Retail electric customer" shall have the same meaning as provided under RCW 19.29A.010.

(e) "Facility" means any building owned or leased by a public agency.

**Sec. 239.** RCW 43.19.685 and 1982 c 48 s 4 are each amended to read as follows:

The director (~~(of general administration)~~) shall develop lease covenants, conditions, and terms which:

(1) Obligate the lessor to conduct or have conducted a walk-through survey of the leased premises;

(2) Obligate the lessor to implement identified energy conservation maintenance and operating procedures upon completion of the walk-through survey; and

(3) Obligate the lessor to undertake technical assistance studies and subsequent acquisition and installation of energy conservation measures if the director (~~(of general administration)~~), in accordance with rules adopted by the department, determines that these studies and measures will both conserve energy and can be accomplished with a state funding contribution limited to the savings which would result in utility expenses during the term of the lease.

These lease covenants, conditions, and terms shall be incorporated into all specified new, renewed, and renegotiated leases executed on or after January 1, 1983. This section applies to all leases under which state occupancy is at least half of the facility space and includes an area greater than three thousand square feet.

**Sec. 240.** RCW 43.19.702 and 1983 c 183 s 2 are each amended to read as follows:

The director (~~(of general administration)~~) shall compile a list of the statutes and regulations, relating to state purchasing, of each state, which statutes and regulations the director believes grant a preference to vendors located within the state or goods manufactured within the state. At least once every twelve months the director shall update the list.

**Sec. 241.** RCW 43.19.704 and 1983 c 183 s 3 are each amended to read as follows:

The director (~~(of general administration)~~) shall adopt and apply rules designed to provide for some reciprocity in bidding between Washington and

those states having statutes or regulations on the list under RCW 43.19.702. The director (~~(of general administration)~~) shall have broad discretionary power in developing these rules and the rules shall provide for reciprocity only to the extent and in those instances where the director considers it appropriate. For the purpose of determining the lowest responsible bidder pursuant to RCW 43.19.1911, such rules shall (1) require the director to impose a reciprocity increase on bids when appropriate under the rules and (2) establish methods for determining the amount of the increase. In no instance shall such increase, if any, be paid to a vendor whose bid is accepted.

**Sec. 242.** RCW 43.19.708 and 2010 c 5 s 5 are each amended to read as follows:

The department (~~(of general administration)~~) shall identify in the department's vendor registry all vendors that are veteran-owned businesses as certified by the department of veterans affairs under RCW 43.60A.195.

**Sec. 243.** RCW 43.19.710 and 1993 c 219 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this section and RCW 43.19.715.

(1) "Consolidated mail service" means incoming, outgoing, and internal mail processing.

~~(2) ("Department" means the department of general administration.~~

~~(3) "Director" means the director of the department of general administration.~~

~~(4) "Agency" means:~~

~~(a) The office of the governor; and~~

~~(b) Any office, department, board, commission, or other separate unit or division, however designated, of the state government, together with all personnel thereof: Upon which the statutes confer powers and impose duties in connection with operations of either a governmental or proprietary nature; and that has as its chief executive officer a person or combination of persons such as a commission, board, or council, by law empowered to operate it, responsible either to: (i) No other public officer or (ii) the governor.~~

~~(5)) "Incoming mail" means mail, packages, or similar items received by an agency, through the United States postal service, private carrier services, or other courier services.~~

~~((6)) (3) "Outgoing mail" means mail, packages, or similar items processed for agencies to be sent through the United States postal service, private carrier services, or other courier services.~~

~~((7)) (4) "Internal mail" means interagency mail, packages, or similar items that are delivered or to be delivered to a state agency, the legislature, the supreme court, or the court of appeals, and their officers and employees.~~

**Sec. 244.** RCW 19.27.070 and 2010 c 275 s 1 are each amended to read as follows:

There is hereby established a state building code council, to be appointed by the governor.

(1) The state building code council shall consist of fifteen members:

(a) Two members must be county elected legislative body members or elected executives;



- (b) Two members must be city elected legislative body members or mayors;
  - (c) One member must be a local government building code enforcement official;
  - (d) One member must be a local government fire service official;
  - (e) One member shall represent general construction, specializing in commercial and industrial building construction;
  - (f) One member shall represent general construction, specializing in residential and multifamily building construction;
  - (g) One member shall represent the architectural design profession;
  - (h) One member shall represent the structural engineering profession;
  - (i) One member shall represent the mechanical engineering profession;
  - (j) One member shall represent the construction building trades;
  - (k) One member shall represent manufacturers, installers, or suppliers of building materials and components;
  - (l) One member must be a person with a physical disability and shall represent the disability community; and
  - (m) One member shall represent the general public.
- (2) At least six of these fifteen members shall reside east of the crest of the Cascade mountains.
- (3) The council shall include: Two members of the house of representatives appointed by the speaker of the house, one from each caucus; two members of the senate appointed by the president of the senate, one from each caucus; and an employee of the electrical division of the department of labor and industries, as ex officio, nonvoting members with all other privileges and rights of membership.
- (4)(a) Terms of office shall be for three years, or for so long as the member remains qualified for the appointment.
- (b) The council shall elect a member to serve as chair of the council for one-year terms of office.
- (c) Any member who is appointed by virtue of being an elected official or holding public employment shall be removed from the council if he or she ceases being such an elected official or holding such public employment.
- (d) Any member who is appointed to represent a specific private sector industry must maintain sufficiently similar employment or circumstances throughout the term of office to remain qualified to represent the specified industry. Retirement or unemployment is not cause for termination. However, if a councilmember enters into employment outside of the industry he or she has been appointed to represent, then he or she shall be removed from the council.
- (e) Any member who no longer qualifies for appointment under this section may not vote on council actions, but may participate as an ex officio, nonvoting member until a replacement member is appointed. A member must notify the council staff and the governor's office within thirty days of the date the member no longer qualifies for appointment under this section. The governor shall appoint a qualified replacement for the member within sixty days of notice.
- (5) Before making any appointments to the building code council, the governor shall seek nominations from recognized organizations which represent the entities or interests identified in this section.
- (6) Members shall not be compensated but shall receive reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(7) The department of ~~((commerce))~~ enterprise services shall provide administrative and clerical assistance to the building code council.

**Sec. 245.** RCW 19.27A.140 and 2010 c 271 s 305 are each amended to read as follows:

The definitions in this section apply to RCW 19.27A.130 through 19.27A.190 and 19.27A.020 unless the context clearly requires otherwise.

(1) "Benchmark" means the energy used by a facility as recorded monthly for at least one year and the facility characteristics information inputs required for a portfolio manager.

(2) "Conditioned space" means conditioned space, as defined in the Washington state energy code.

(3) "Consumer-owned utility" includes a municipal electric utility formed under Title 35 RCW, a public utility district formed under Title 54 RCW, an irrigation district formed under chapter 87.03 RCW, a cooperative formed under chapter 23.86 RCW, a mutual corporation or association formed under chapter 24.06 RCW, a port district formed under Title 53 RCW, or a water-sewer district formed under Title 57 RCW, that is engaged in the business of distributing electricity to one or more retail electric customers in the state.

(4) "Cost-effectiveness" means that a project or resource is forecast:

(a) To be reliable and available within the time it is needed; and

(b) To meet or reduce the power demand of the intended consumers at an estimated incremental system cost no greater than that of the least-cost similarly reliable and available alternative project or resource, or any combination thereof.

(5) "Council" means the state building code council.

(6) "Embodied energy" means the total amount of fossil fuel energy consumed to extract raw materials and to manufacture, assemble, transport, and install the materials in a building and the life-cycle cost benefits including the recyclability and energy efficiencies with respect to building materials, taking into account the total sum of current values for the costs of investment, capital, installation, operating, maintenance, and replacement as estimated for the lifetime of the product or project.

(7) "Energy consumption data" means the monthly amount of energy consumed by a customer as recorded by the applicable energy meter for the most recent twelve-month period.

(8) "Energy service company" has the same meaning as in RCW 43.19.670.

(9) "~~((General administration))~~ Enterprise services" means the department of ~~((general administration))~~ enterprise services.

(10) "Greenhouse gas" and "greenhouse gases" includes carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

(11) "Investment grade energy audit" means an intensive engineering analysis of energy efficiency and management measures for the facility, net energy savings, and a cost-effectiveness determination.

(12) "Investor-owned utility" means a corporation owned by investors that meets the definition of "corporation" as defined in RCW 80.04.010 and is engaged in distributing either electricity or natural gas, or both, to more than one retail electric customer in the state.

(13) "Major facility" means any publicly owned or leased building, or a group of such buildings at a single site, having ten thousand square feet or more of conditioned floor space.

(14) "National energy performance rating" means the score provided by the energy star program, to indicate the energy efficiency performance of the building compared to similar buildings in that climate as defined in the United States environmental protection agency "ENERGY STAR® Performance Ratings Technical Methodology."

(15) "Net zero energy use" means a building with net energy consumption of zero over a typical year.

(16) "Portfolio manager" means the United States environmental protection agency's energy star portfolio manager or an equivalent tool adopted by the department of ~~((general administration))~~ enterprise services.

(17) "Preliminary energy audit" means a quick evaluation by an energy service company of the energy savings potential of a building.

(18) "Qualifying public agency" includes all state agencies, colleges, and universities.

(19) "Qualifying utility" means a consumer-owned or investor-owned gas or electric utility that serves more than twenty-five thousand customers in the state of Washington.

(20) "Reporting public facility" means any of the following:

(a) A building or structure, or a group of buildings or structures at a single site, owned by a qualifying public agency, that exceed ten thousand square feet of conditioned space;

(b) Buildings, structures, or spaces leased by a qualifying public agency that exceeds ten thousand square feet of conditioned space, where the qualifying public agency purchases energy directly from the investor-owned or consumer-owned utility;

(c) A wastewater treatment facility owned by a qualifying public agency; or

(d) Other facilities selected by the qualifying public agency.

(21) "State portfolio manager master account" means a portfolio manager account established to provide a single shared portfolio that includes reports for all the reporting public facilities.

**Sec. 246.** RCW 39.34.055 and 1994 c 98 s 1 are each amended to read as follows:

The ~~((office of state procurement within the))~~ department of ~~((general administration))~~ enterprise services may enter into an agreement with a public benefit nonprofit corporation to allow the public benefit nonprofit corporation to participate in state contracts for purchases administered by the ~~((office of state procurement))~~ department. Such agreement must comply with the requirements of RCW 39.34.030 through 39.34.050. For the purposes of this section "public benefit nonprofit corporation" means a public benefit nonprofit corporation as defined in RCW 24.03.005 that is receiving local, state, or federal funds either directly or through a public agency other than an Indian tribe or a political subdivision of another state.

**Sec. 247.** RCW 39.35.030 and 2001 c 214 s 16 are each amended to read as follows:

For the purposes of this chapter the following words and phrases shall have the following meanings unless the context clearly requires otherwise:

(1) "Public agency" means every state office, officer, board, commission, committee, bureau, department, and all political subdivisions of the state.

(2) "Department" means the state department of ~~((general administration))~~ enterprise services.

(3) "Major facility" means any publicly owned or leased building having twenty-five thousand square feet or more of usable floor space.

(4) "Initial cost" means the moneys required for the capital construction or renovation of a major facility.

(5) "Renovation" means additions, alterations, or repairs within any twelve-month period which exceed fifty percent of the value of a major facility and which will affect any energy system.

(6) "Economic life" means the projected or anticipated useful life of a major facility as expressed by a term of years.

(7) "Energy management system" means a program, energy efficiency equipment, technology, device, or other measure including, but not limited to, a management, educational, or promotional program, smart appliance, meter reading system that provides energy information capability, computer software or hardware, communications equipment or hardware, thermostat or other control equipment, together with related administrative or operational programs, that allows identification and management of opportunities for improvement in the efficiency of energy use, including but not limited to a measure that allows:

(a) Energy consumers to obtain information about their energy usage and the cost of energy in connection with their usage;

(b) Interactive communication between energy consumers and their energy suppliers;

(c) Energy consumers to respond to energy price signals and to manage their purchase and use of energy; or

(d) For other kinds of dynamic, demand-side energy management.

(8) "Life-cycle cost" means the initial cost and cost of operation of a major facility over its economic life. This shall be calculated as the initial cost plus the operation, maintenance, and energy costs over its economic life, reflecting anticipated increases in these costs discounted to present value at the current rate for borrowing public funds, as determined by the office of financial management. The energy cost projections used shall be those provided by the department. The department shall update these projections at least every two years.

(9) "Life-cycle cost analysis" includes, but is not limited to, the following elements:

(a) The coordination and positioning of a major facility on its physical site;

(b) The amount and type of fenestration employed in a major facility;

(c) The amount of insulation incorporated into the design of a major facility;

(d) The variable occupancy and operating conditions of a major facility; and

(e) An energy-consumption analysis of a major facility.

(10) "Energy systems" means all utilities, including, but not limited to, heating, air-conditioning, ventilating, lighting, and the supplying of domestic hot water.

(11) "Energy-consumption analysis" means the evaluation of all energy systems and components by demand and type of energy including the internal energy load imposed on a major facility by its occupants, equipment, and components, and the external energy load imposed on a major facility by the climatic conditions of its location. An energy-consumption analysis of the operation of energy systems of a major facility shall include, but not be limited to, the following elements:

(a) The comparison of three or more system alternatives, at least one of which shall include renewable energy systems, and one of which shall comply at a minimum with the sustainable design guidelines of the United States green building council leadership in energy and environmental design silver standard or similar design standard as may be adopted by rule by the department;

(b) The simulation of each system over the entire range of operation of such facility for a year's operating period; and

(c) The evaluation of the energy consumption of component equipment in each system considering the operation of such components at other than full or rated outputs.

The energy-consumption analysis shall be prepared by a professional engineer or licensed architect who may use computers or such other methods as are capable of producing predictable results.

(12) "Renewable energy systems" means methods of facility design and construction and types of equipment for the utilization of renewable energy sources including, but not limited to, hydroelectric power, active or passive solar space heating or cooling, domestic solar water heating, windmills, waste heat, biomass and/or refuse-derived fuels, photovoltaic devices, and geothermal energy.

(13) "Cogeneration" means the sequential generation of two or more forms of energy from a common fuel or energy source. Where these forms are electricity and thermal energy, then the operating and efficiency standards established by 18 C.F.R. Sec. 292.205 and the definitions established by 18 C.F.R. 292.202 (c) through (m) as of July 28, 1991, shall apply.

(14) "Selected buildings" means educational, office, residential care, and correctional facilities that are designed to comply with the design standards analyzed and recommended by the department.

(15) "Design standards" means the heating, air-conditioning, ventilating, and renewable resource systems identified, analyzed, and recommended by the department as providing an efficient energy system or systems based on the economic life of the selected buildings.

**Sec. 248.** RCW 39.35C.010 and 2007 c 39 s 4 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Cogeneration" means the sequential generation of two or more forms of energy from a common fuel or energy source. If these forms are electricity and thermal energy, then the operating and efficiency standards established by 18 C.F.R. Sec. 292.205 and the definitions established by 18 C.F.R. Sec. 292.202 (c) through (m) apply.

(2) "Conservation" means reduced energy consumption or energy cost, or increased efficiency in the use of energy, and activities, measures, or equipment

designed to achieve such results, but does not include thermal or electric energy production from cogeneration. "Conservation" also means reductions in the use or cost of water, wastewater, or solid waste.

(3) "Cost-effective" means that the present value to a state agency or school district of the energy reasonably expected to be saved or produced by a facility, activity, measure, or piece of equipment over its useful life, including any compensation received from a utility or the Bonneville power administration, is greater than the net present value of the costs of implementing, maintaining, and operating such facility, activity, measure, or piece of equipment over its useful life, when discounted at the cost of public borrowing.

(4) "Energy" means energy as defined in RCW 43.21F.025(~~(4)~~) (5).

(5) "Energy audit" has the definition provided in RCW 43.19.670, and may include a determination of the water or solid waste consumption characteristics of a facility.

(6) "Energy efficiency project" means a conservation or cogeneration project.

(7) "Energy efficiency services" means assistance furnished by the department to state agencies and school districts in identifying, evaluating, and implementing energy efficiency projects.

(8) "Department" means the state department of (~~general administration~~) enterprise services.

(9) "Performance-based contracting" means contracts for which payment is conditional on achieving contractually specified energy savings.

(10) "Public agency" means every state office, officer, board, commission, committee, bureau, department, and all political subdivisions of the state.

(11) "Public facility" means a building or structure, or a group of buildings or structures at a single site, owned by a state agency or school district.

(12) "State agency" means every state office or department, whether elective or appointive, state institutions of higher education, and all boards, commissions, or divisions of state government, however designated.

(13) "State facility" means a building or structure, or a group of buildings or structures at a single site, owned by a state agency.

(14) "Utility" means privately or publicly owned electric and gas utilities, electric cooperatives and mutuals, whether located within or without Washington state.

(15) "Local utility" means the utility or utilities in whose service territory a public facility is located.

**Sec. 249.** RCW 39.35D.020 and 2006 c 263 s 330 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of (~~general administration~~) enterprise services.

(2) "High-performance public buildings" means high-performance public buildings designed, constructed, and certified to a standard as identified in this chapter.

(3) "Institutions of higher education" means the state universities, the regional universities, The Evergreen State College, the community colleges, and the technical colleges.

(4) "LEED silver standard" means the United States green building council leadership in energy and environmental design green building rating standard, referred to as silver standard.

(5)(a) "Major facility project" means: (i) A construction project larger than five thousand gross square feet of occupied or conditioned space as defined in the Washington state energy code; or (ii) a building renovation project when the cost is greater than fifty percent of the assessed value and the project is larger than five thousand gross square feet of occupied or conditioned space as defined in the Washington state energy code.

(b) "Major facility project" does not include: (i) Projects for which the department, public school district, or other applicable agency and the design team determine the LEED silver standard or the Washington sustainable school design protocol to be not practicable; or (ii) transmitter buildings, pumping stations, hospitals, research facilities primarily used for sponsored laboratory experimentation, laboratory research, or laboratory training in research methods, or other similar building types as determined by the department. When the LEED silver standard is determined to be not practicable for a project, then it must be determined if any LEED standard is practicable for the project. If LEED standards or the Washington sustainable school design protocol are not followed for the project, the public school district or public agency shall report these reasons to the department.

(6) "Public agency" means every state office, officer, board, commission, committee, bureau, department, and public higher education institution.

(7) "Public school district" means a school district eligible to receive state basic education moneys pursuant to RCW 28A.150.250 and 28A.150.260.

(8) "Washington sustainable school design protocol" means the school design protocol and related information developed by the office of the superintendent of public instruction, in conjunction with school districts and the school facilities advisory board.

**Sec. 250.** RCW 43.19A.010 and 1992 c 174 s 12 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Compost products" means mulch, soil amendments, ground cover, or other landscaping material derived from the biological or mechanical conversion of biosolids or cellulose-containing waste materials.

(2) "Department" means the department of ~~((general administration))~~ enterprise services.

(3) "Director" means the director of the department of ~~((general administration))~~ enterprise services.

(4) "Local government" means a city, town, county, special purpose district, school district, or other municipal corporation.

(5) "Lubricating oil" means petroleum-based oils for reducing friction in engine parts and other mechanical parts.

(6) "Mixed waste paper" means assorted low-value grades of paper that have not been separated into individual grades of paper at the point of collection.

(7) "Municipal sewage sludge" means a semisolid substance consisting of settled sewage solids combined with varying amounts of water and dissolved materials generated from a publicly owned wastewater treatment plant.

(8) "Biosolids" means municipal sewage sludge or septic tank septage sludge that meets the requirements of chapter 70.95J RCW.

(9) "Paper and paper products" means all items manufactured from paper or paperboard.

(10) "Postconsumer waste" means a material or product that has served its intended use and has been discarded for disposal or recovery by a final consumer.

(11) "Procurement officer" means the person that has the primary responsibility for procurement of materials or products.

(12) "State agency" means all units of state government, including divisions of the governor's office, the legislature, the judiciary, state agencies and departments, correctional institutions, vocational technical institutions, and universities and colleges.

(13) "Recycled content product" or "recycled product" means a product containing recycled materials.

(14) "Recycled materials" means waste materials and by-products that have been recovered or diverted from solid waste and that can be utilized in place of a raw or virgin material in manufacturing a product and consists of materials derived from postconsumer waste, manufacturing waste, industrial scrap, agricultural wastes, and other items, all of which can be used in the manufacture of new or recycled products.

(15) "Re-refined oils" means used lubricating oils from which the physical and chemical contaminants acquired through previous use have been removed through a refining process. Re-refining may include distillation, hydrotreating, or treatments employing acid, caustic, solvent, clay, or other chemicals, or other physical treatments other than those used in reclaiming.

(16) "USEPA product standards" means the product standards of the United States environmental protection agency for recycled content published in the code of federal regulations.

**Sec. 251.** RCW 43.19A.022 and 2009 c 356 s 2 are each amended to read as follows:

(1) ~~((By December 31, 2009,))~~ All state agencies shall purchase one hundred percent recycled content white cut sheet bond paper used in office printers and copiers. State agencies are encouraged to give priority to purchasing from companies that produce paper in facilities that generate energy from a renewable energy source.

(2) State agencies that utilize office printers and copiers that, after reasonable attempts, cannot be calibrated to utilize such paper referenced in subsection (1) of this section, must for those models of equipment:

(a) Purchase paper at the highest recycled content that can be utilized efficiently by the copier or printer;

(b) At the time of lease renewal or at the end of the life-cycle, either lease or purchase a model that will efficiently utilize one hundred percent recycled content white cut sheet bond paper;

(3) Printed projects that require the use of high volume production inserters or high-speed digital devices, such as those used by ~~((the state printer, department of information services, and))~~ the department of ~~((general administration))~~ enterprise services, are not required to meet the one hundred percent recycled content white cut sheet bond paper standard, but must utilize



the highest recycled content that can be utilized efficiently by such equipment and not impede the business of agencies.

(4) The ~~((state printer,))~~ department of ~~((general administration,))~~ enterprise services and the department of information services shall work together to identify for use by agencies one hundred percent recycled paper products that process efficiently through high-speed production equipment and do not impede the business of agencies.

**Sec. 252.** RCW 39.32.035 and 1998 c 105 s 3 are each amended to read as follows:

The ~~((general administration))~~ enterprise services account shall be administered by the director of ~~((general administration))~~ enterprise services and be used for the purchase, lease or other acquisition from time to time of surplus property from any federal, state, or local government surplus property disposal agency. The director may purchase, lease or acquire such surplus property on the requisition of an eligible donee and without such requisition at such time or times as he or she deems it advantageous to do so; and in either case he or she shall be responsible for the care and custody of the property purchased so long as it remains in his or her possession.

**Sec. 253.** RCW 43.01.225 and 1995 c 215 s 2 are each amended to read as follows:

There is hereby established an account in the state treasury to be known as the "state vehicle parking account." All parking rental income resulting from parking fees established by the department of ~~((general administration))~~ enterprise services under RCW 46.08.172 at state-owned or leased property shall be deposited in the "state vehicle parking account." Revenue deposited in the "state vehicle parking account" shall be first applied to pledged purposes. Unpledged parking revenues deposited in the "state vehicle parking account" may be used to:

- (1) Pay costs incurred in the operation, maintenance, regulation, and enforcement of vehicle parking and parking facilities;
- (2) Support the lease costs and/or capital investment costs of vehicle parking and parking facilities; and
- (3) Support agency commute trip reduction programs under RCW 70.94.521 through 70.94.551.

**Sec. 254.** RCW 43.82.120 and 1998 c 105 s 14 are each amended to read as follows:

All rental income collected by the department of ~~((general administration))~~ enterprise services from rental of state buildings shall be deposited in the ~~((general administration))~~ enterprise services account.

**Sec. 255.** RCW 43.82.125 and 1998 c 105 s 15 are each amended to read as follows:

The ~~((general administration))~~ enterprise services account shall be used to pay all costs incurred by the department in the operation of real estate managed under the terms of this chapter. Moneys received into the ~~((general administration))~~ enterprise services account shall be used to pay rent to the owner of the space for occupancy of which the charges have been made and to pay utility and operational costs of the space utilized by the occupying agency: PROVIDED, That moneys received into the account for occupancy of space

owned by the state where utilities and other operational costs are covered by appropriation to the department of (~~general administration~~) enterprise services shall be immediately transmitted to the general fund.

**Sec. 256.** RCW 43.99H.070 and 1995 c 215 s 6 are each amended to read as follows:

In addition to any other charges authorized by law and to assist in the reimbursement of principal and interest payments on bonds issued for the purposes of RCW 43.99H.020(15), the following revenues may be collected:

(1) The director of (~~general administration~~) enterprise services may assess a charge against each state board, commission, agency, office, department, activity, or other occupant of the facility or building constructed with bonds issued for the purposes of RCW 43.99H.020(15) for payment of a proportion of costs for each square foot of floor space assigned to or occupied by the entity. Payment of the amount billed to the entity for such occupancy shall be made quarterly during each fiscal year. The director of (~~general administration~~) enterprise services shall deposit the payment in the capitol campus reserve account.

(2) The director of (~~general administration~~) enterprise services may pledge a portion of the parking rental income collected by the department of (~~general administration~~) enterprise services from parking space developed as a part of the facility constructed with bonds issued for the purposes of RCW 43.99H.020(15). The pledged portion of this income shall be deposited in the capitol campus reserve account. The unpledged portion of this income shall continue to be deposited in the state vehicle parking account.

(3) The state treasurer shall transfer four million dollars from the capitol building construction account to the capitol campus reserve account each fiscal year from 1990 to 1995. Beginning in fiscal year 1996, the director of (~~general administration~~) enterprise services, in consultation with the state finance committee, shall determine the necessary amount for the state treasurer to transfer from the capitol building construction account to the capitol campus reserve account for the purpose of repayment of the general fund of the costs of the bonds issued for the purposes of RCW 43.99H.020(15).

(4) Any remaining balance in the state building and parking bond redemption account after the final debt service payment shall be transferred to the capitol campus reserve account.

**Sec. 257.** RCW 73.24.020 and 1937 c 36 s 1 are each amended to read as follows:

The director of the department of (~~finance, budget and business~~) enterprise services is hereby authorized and directed to contract with Olympia Lodge No. 1, F.& A.M., a corporation for the improvement and perpetual care of the state veterans' plot in the Masonic cemetery at Olympia; such care to include the providing of proper curbs and walks, cultivating, reseeding and fertilizing grounds, repairing and resetting the bases and monuments in place on the ground, leveling grounds, and transporting and setting headstones for graves of persons hereafter buried on the plot.

**NEW SECTION. Sec. 258.** The following acts or parts of acts are each repealed:

(1) RCW 43.19.010 (Director—Authority, appointment, salary) and 1999 c 229 s 1, 1993 c 472 s 19, 1988 c 25 s 10, 1975 1st ex.s. c 167 s 1, & 1965 c 8 s 43.19.010;

(2) RCW 43.19.1923 (General administration services account—Use) and 2001 c 292 s 3, 1998 c 105 s 6, 1991 sp.s. c 16 s 921, 1987 c 504 s 17, 1975-'76 2nd ex.s. c 21 s 12, 1967 ex.s. c 104 s 5, & 1965 c 8 s 43.19.1923;

(3) RCW 43.19.1925 (Combined purchases of commonly used items—Advance payments by state agencies—Costs of operating central stores) and 1998 c 105 s 7, 1975 c 40 s 8, 1973 c 104 s 2, & 1965 c 8 s 43.19.1925;

(4) RCW 43.19.590 (Motor vehicle transportation service—Transfer of employees—Retention of employment rights) and 1975 1st ex.s. c 167 s 8;

(5) RCW 43.19.595 (Motor vehicle transportation service—Transfer of motor vehicles, property, etc., from motor pool to department) and 2009 c 549 s 5067 & 1975 1st ex.s. c 167 s 9;

(6) RCW 43.19.615 (Motor vehicle transportation service—Deposits—Disbursements) and 2005 c 214 s 2, 1998 c 105 s 13, & 1975 1st ex.s. c 167 s 13;

(7) RCW 43.19.675 (Energy audits of state-owned facilities required—Completion dates) and 2001 c 214 s 26, 1982 c 48 s 2, & 1980 c 172 s 4;

(8) RCW 43.19.680 (Implementation of energy conservation and maintenance procedures after walk-through survey—Investment grade audit—Reports—Contracts with energy service companies, staffing) and 2001 c 214 s 27, 1996 c 186 s 506, 1986 c 325 s 2, 1983 c 313 s 1, 1982 c 48 s 3, & 1980 c 172 s 5; and

(9) 2010 c 271 s 301.

NEW SECTION. Sec. 259. RCW 43.19.123 is decodified.

### PART III POWERS AND DUTIES TRANSFERRED FROM THE PUBLIC PRINTER

**Sec. 301.** RCW 1.08.039 and 1955 c 235 s 8 are each amended to read as follows:

The committee may enter into contracts or otherwise arrange for the publication and/or distribution, provided for in RCW 1.08.038, with or without calling for bids, by the ~~((public printer or by private printer))~~ department of enterprise services, upon specifications formulated under the authority of RCW 1.08.037, and upon such basis as the committee deems to be most expeditious and economical. Any such contract may be upon such terms as the committee deems to be most advantageous to the state and to potential purchasers of such publications. The committee shall fix terms and prices for such publications.

**Sec. 302.** RCW 28A.300.040 and 2009 c 556 s 10 are each amended to read as follows:

In addition to any other powers and duties as provided by law, the powers and duties of the superintendent of public instruction shall be:

(1) To have supervision over all matters pertaining to the public schools of the state;

(2) To report to the governor and the legislature such information and data as may be required for the management and improvement of the schools;

(3) To prepare and have printed such forms, registers, courses of study, rules for the government of the common schools, and such other material and books as may be necessary for the discharge of the duties of teachers and officials charged with the administration of the laws relating to the common schools, and to distribute the same to educational service district superintendents;

(4) To travel, without neglecting his or her other official duties as superintendent of public instruction, for the purpose of attending educational meetings or conventions, of visiting schools, and of consulting educational service district superintendents or other school officials;

(5) To prepare and from time to time to revise a manual of the Washington state common school code, copies of which shall be made available online and which shall be sold at approximate actual cost of publication and distribution per volume to public and nonpublic agencies or individuals, said manual to contain Titles 28A and 28C RCW, rules related to the common schools, and such other matter as the state superintendent or the state board of education shall determine(~~(- Proceeds of the sale of such code shall be transmitted to the public printer who shall credit the state superintendent's account within the state printing plant revolving fund by a like amount)~~);

(6) To file all papers, reports and public documents transmitted to the superintendent by the school officials of the several counties or districts of the state, each year separately. Copies of all papers filed in the superintendent's office, and the superintendent's official acts, may, or upon request, shall be certified by the superintendent and attested by the superintendent's official seal, and when so certified shall be evidence of the papers or acts so certified to;

(7) To require annually, on or before the 15th day of August, of the president, manager, or principal of every educational institution in this state, a report as required by the superintendent of public instruction; and it is the duty of every president, manager, or principal, to complete and return such forms within such time as the superintendent of public instruction shall direct;

(8) To keep in the superintendent's office a record of all teachers receiving certificates to teach in the common schools of this state;

(9) To issue certificates as provided by law;

(10) To keep in the superintendent's office at the capital of the state, all books and papers pertaining to the business of the superintendent's office, and to keep and preserve in the superintendent's office a complete record of statistics, as well as a record of the meetings of the state board of education;

(11) With the assistance of the office of the attorney general, to decide all points of law which may be submitted to the superintendent in writing by any educational service district superintendent, or that may be submitted to the superintendent by any other person, upon appeal from the decision of any educational service district superintendent; and the superintendent shall publish his or her rulings and decisions from time to time for the information of school officials and teachers; and the superintendent's decision shall be final unless set aside by a court of competent jurisdiction;

(12) To administer oaths and affirmations in the discharge of the superintendent's official duties;

(13) To deliver to his or her successor, at the expiration of the superintendent's term of office, all records, books, maps, documents and papers

of whatever kind belonging to the superintendent's office or which may have been received by the superintendent's for the use of the superintendent's office;

(14) To administer family services and programs to promote the state's policy as provided in RCW 74.14A.025;

(15) To promote the adoption of school-based curricula and policies that provide quality, daily physical education for all students, and to encourage policies that provide all students with opportunities for physical activity outside of formal physical education classes;

(16) To perform such other duties as may be required by law.

**Sec. 303.** RCW 28B.10.029 and 2010 c 61 s 1 are each amended to read as follows:

(1)(a) An institution of higher education may exercise independently those powers otherwise granted to the director of (~~general administration~~) enterprise services in chapter 43.19 RCW in connection with the purchase and disposition of all material, supplies, services, and equipment needed for the support, maintenance, and use of the respective institution of higher education.

(b) Property disposition policies followed by institutions of higher education shall be consistent with policies followed by the department of (~~general administration~~) enterprise services.

(c) Purchasing policies and procedures followed by institutions of higher education shall be in compliance with chapters 39.19, 39.29, and 43.03 RCW, and RCW 43.19.1901, 43.19.1906, 43.19.1911, 43.19.1917, 43.19.1937, 43.19.534, 43.19.685, 43.19.700 through 43.19.704, and 43.19.560 through 43.19.637.

(d) Purchases under chapter 39.29, 43.19, or 43.105 RCW by institutions of higher education may be made by using contracts for materials, supplies, services, or equipment negotiated or entered into by, for, or through group purchasing organizations.

(e) The community and technical colleges shall comply with RCW 43.19.450.

(f) Except for the University of Washington, institutions of higher education shall comply with RCW 43.41.310, 43.41.290, and 43.41.350 (as recodified by this act).

(g) If an institution of higher education can satisfactorily demonstrate to the director of the office of financial management that the cost of compliance is greater than the value of benefits from any of the following statutes, then it shall be exempt from them: RCW 43.19.685, 43.19.534, and 43.19.637.

(h) Any institution of higher education that chooses to exercise independent purchasing authority for a commodity or group of commodities shall notify the director of (~~general administration~~) enterprise services. Thereafter the director of (~~general administration~~) enterprise services shall not be required to provide those services for that institution for the duration of the (~~general administration~~) enterprise services contract term for that commodity or group of commodities.

(2) The council of presidents and the state board for community and technical colleges shall convene its correctional industries business development advisory committee, and work collaboratively with correctional industries, to:

(a) Reaffirm purchasing criteria and ensure that quality, service, and timely delivery result in the best value for expenditure of state dollars;

(b) Update the approved list of correctional industries products from which higher education shall purchase; and

(c) Develop recommendations on ways to continue to build correctional industries' business with institutions of higher education.

(3) Higher education and correctional industries shall develop a plan to build higher education business with correctional industries to increase higher education purchases of correctional industries products, based upon the criteria established in subsection (2) of this section. The plan shall include the correctional industries' production and sales goals for higher education and an approved list of products from which higher education institutions shall purchase, based on the criteria established in subsection (2) of this section. Higher education and correctional industries shall report to the legislature regarding the plan and its implementation no later than January 30, 2005.

(4) Institutions of higher education shall set as a target to contract, beginning not later than June 30, 2006, to purchase one percent of the total goods and services required by the institutions each year produced or provided in whole or in part from class II inmate work programs operated by the department of corrections. Institutions of higher education shall set as a target to contract, beginning not later than June 30, 2008, to purchase two percent of the total goods and services required by the institutions each year produced or provided in whole or in part from class II inmate work programs operated by the department of corrections.

~~((5) An institution of higher education may exercise independently those powers otherwise granted to the public printer in chapter 43.78 RCW in connection with the production or purchase of any printing and binding needed by the respective institution of higher education. Purchasing policies and procedures followed by institutions of higher education shall be in compliance with chapter 39.19 RCW. Any institution of higher education that chooses to exercise independent printing production or purchasing authority shall notify the public printer. Thereafter the public printer shall not be required to provide those services for that institution.))~~

**Sec. 304.** RCW 40.06.030 and 2006 c 199 s 5 are each amended to read as follows:

(1) Every state agency shall promptly submit to the state library copies of published information that are state publications.

(a) For state publications available only in print format, each state agency shall deposit, at a minimum, two copies of each of its publications with the state library. For the purposes of broad public access, state agencies may deposit additional copies with the state library for distribution to additional depository libraries.

(b) For state publications available only in electronic format, each state agency shall deposit one copy of each of its publications with the state library.

(c) For state publications available in both print and electronic format, each state agency shall deposit two print copies and one electronic copy of the publication with the state library.

(2) Annually, each state agency shall provide the state library with a listing of all its publications made available to state government and the public during the preceding year, including those published in electronic form. The secretary

of state shall, by rule, establish the annual date by which state agencies must provide the list of its publications to the state library.

(3) In the interest of economy and efficiency, the state librarian may specifically or by general rule exempt a given state publication or class of publications from the requirements of this section in full or in part.

~~((4) Upon consent of the issuing state agency, such state publications as are printed by the public printer shall be delivered directly to the center.))~~

**Sec. 305.** RCW 43.08.061 and 1993 c 38 s 1 are each amended to read as follows:

The ~~((public printer shall print))~~ department of enterprise services is responsible for the printing of all state treasury warrants for distribution as directed by the state treasurer. All warrants redeemed by the state treasurer shall be retained for a period of one year, following their redemption, after which they may be destroyed without regard to the requirements imposed for their destruction by chapter 40.14 RCW.

**NEW SECTION. Sec. 306.** The following acts or parts of acts are each repealed:

(1) RCW 43.78.010 (Appointment of public printer) and 2009 c 549 s 5146, 1981 c 338 s 6, & 1965 c 8 s 43.78.010;

(2) RCW 43.78.020 (Bond) and 2009 c 549 s 5147 & 1965 c 8 s 43.78.020;

(3) RCW 43.78.030 (Duties—Exceptions) and 2010 1st sp.s. c 37 s 927, 1994 c 82 s 1, 1993 c 379 s 104, 1988 c 102 s 1, 1987 c 72 s 1, 1982 c 164 s 2, 1971 c 81 s 114, & 1965 c 8 s 43.78.030;

(4) RCW 43.78.040 (Requisitions) and 1965 c 8 s 43.78.040;

(5) RCW 43.78.050 (Itemized statement of charges) and 1965 c 8 s 43.78.050;

(6) RCW 43.78.070 (Use of state plant—Conditions—Public printer's salary) and 2009 c 549 s 5148, 1979 c 151 s 134, & 1965 c 8 s 43.78.070;

(7) RCW 43.78.080 (Printing specifications) and 1972 ex.s. c 1 s 1, 1969 c 6 s 7, & 1965 c 8 s 43.78.080;

(8) RCW 43.78.090 (Reprinting) and 1965 c 8 s 43.78.090;

(9) RCW 43.78.100 (Stock to be furnished) and 1993 c 379 s 106 & 1965 c 8 s 43.78.100;

(10) RCW 43.78.105 (Printing for institutions of higher education—Interlocal agreements) and 1993 c 379 s 105;

(11) RCW 43.78.110 (Securing printing from private sources—Definitions) and 2009 c 486 s 12, 1993 c 379 s 107, 1982 c 164 s 3, 1969 c 79 s 1, & 1965 c 8 s 43.78.110;

(12) RCW 43.78.170 (Recycled copy and printing paper requirement) and 2009 c 356 s 5, 1996 c 198 s 3, & 1991 c 297 s 10;

(13) RCW 15.24.085 (Promotional printing not restricted by public printer laws) and 2002 c 313 s 121 & 1961 c 11 s 15.24.085;

(14) RCW 15.62.190 (Promotional printing and literature—Exempt from public printing requirements) and 1989 c 5 s 19;

(15) RCW 16.67.170 (Promotional printing not restricted by public printer laws) and 1969 c 133 s 16;

(16) RCW 40.04.030 (Session laws, legislative journals, supreme court and court of appeals reports—Duties of public printer, publisher) and 1995 c 24 s 1, 1971 c 42 s 2, & 1941 c 150 s 3; and

(17) RCW 40.07.050 (Prohibition of state publications not in accordance with RCW 40.07.030—Exceptions) and 1986 c 158 s 5 & 1977 ex.s. c 232 s 5.

**NEW SECTION. Sec. 307.** A new section is added to chapter 43.19 RCW to read as follows:

(1) The public printing revolving account is created in the custody of the state treasurer. All receipts from public printing must be deposited in the account. Expenditures from the account may be used only for administrative and operating purposes related to public printing. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) On the effective date of this section, the state treasurer shall transfer any residual funds remaining in the state printing plant revolving fund to the public printing revolving account established in this section.

**NEW SECTION. Sec. 308.** A new section is added to chapter 43.19 RCW to read as follows:

(1) The department shall broker print management contracts for state agencies that are required to utilize print management contracts under this section.

(2) The department is authorized to broker print management contracts for other state agencies that choose to utilize these services.

(3) Except as provided under subsection (6) of this section, all state agencies with total annual average full-time equivalent staff that exceeds one thousand as determined by the office of financial management shall utilize print management services brokered by the department, as follows:

(a) Any agency with a copier and multifunctional device contract that is set to expire on or before December 31, 2011, may opt to:

- (i) Renew the copier and multifunctional device contract; or
- (ii) Enter a print management contract;

(b) Any agency with a copier and multifunctional device contract that is set to expire on or after January 1, 2012, shall begin planning for the transition to a print management contract six months prior to the expiration date of the contract. Upon expiration of the copier and multifunctional device contract, the agency shall utilize a print management contract; and

(c) Any agency with a copier and multifunctional device contract that is terminated on or after January 1, 2012, shall enter a print management contract.

(4) Until December 31, 2016, for each agency transitioning from a copier and multifunctional device contract to a print management contract, the print management contract should result in savings in comparison with the prior copier and multifunctional device contract.

(5) If an agency has more full-time equivalent employees than it had when it entered its most recently completed print management contract, the cost of a new print management contract may exceed the cost of the most recently completed print management contract.



(6) The director of financial management may exempt a state agency, or a program within a state agency, from the requirements of this section if the director deems it unfeasible or the department and agency could not reasonably reach an agreement regarding print management.

**NEW SECTION. Sec. 309.** A new section is added to chapter 43.19 RCW to read as follows:

(1) State agencies, boards, commissions, and institutions of higher education requiring the services of a print shop may use public printing services provided by the department. If a print job is put out for bid, the department must be included in the bid solicitation. All solicitations must be posted on the state's common vendor registration and bid notification system and results provided to the department. All bid specifications must encourage the use of recycled paper and biodegradable ink must be used if feasible for the print job.

(2)(a) Except as provided in (b) of this subsection, the department shall print all agency materials that contain sensitive or personally identifiable information not publicly available.

(b) If it is more economically feasible to contract with a private vendor for the printing of agency materials that contain sensitive or personally identifiable information, the department shall require the vendor to enter into a confidentiality agreement with the department to protect the information that is provided as part of the print job.

**NEW SECTION. Sec. 310.** A new section is added to chapter 43.09 RCW to read as follows:

By November 1, 2016, building on the findings of the 2011 audit, the state auditor shall conduct a comprehensive performance audit of state printing services in accordance with RCW 43.09.470. Following the audit in 2016, the state auditor shall conduct follow-up audits as deemed necessary to ensure effective implementation of this act.

**NEW SECTION. Sec. 311.** A new section is added to chapter 43.19 RCW to read as follows:

For every printing job and binding job ordered by a state agency, the agency shall consult with the department on how to choose more economic and efficient options to reduce costs.

**NEW SECTION. Sec. 312.** A new section is added to chapter 43.19 RCW to read as follows:

To improve the efficiency and minimize the costs of agency-based printing, the department shall establish rules and guidelines for all agencies to use in managing their printing operations, including both agency-based printing and those jobs that require the services of a print shop, as based on the successes of implementation of existing print management programs in state agencies. At a minimum, the rules and guidelines must implement managed print strategies to track, manage, and reduce agency-based printing.

**NEW SECTION. Sec. 313.** A new section is added to chapter 43.19 RCW to read as follows:

The department must determine which agencies have print shops and prepare a recommendation, including proposed legislation by November 15, 2011, to transfer print shop personnel, equipment, and activities of state agencies and institutions of higher education, as defined in RCW 28B.10.016, to the

department. A transfer under this section does not imply that any print shop operations will close at the affected agencies and institutions of higher education.

NEW SECTION. Sec. 314. A new section is added to chapter 43.19 RCW to read as follows:

(1) The department shall consult with the office of financial management and state agencies to more efficiently manage the use of envelopes by standardizing them to the extent feasible given the business needs of state agencies.

(2) All state agencies with total annual average full-time equivalent staff that exceeds five hundred as determined by the office of financial management shall cooperate with the department in efforts to standardize envelopes under subsection (1) of this section. In the event that an agency is updating a mailing, the agency shall transition to an envelope recommended by the department, unless the office of financial management considers the change unfeasible.

(3) State agencies with five hundred total annual average full-time equivalent staff or less, as determined by the office of financial management, are encouraged to cooperate with the office to standardize envelopes under this section.

NEW SECTION. Sec. 315. RCW 43.78.130, 43.78.140, 43.78.150, and 43.78.160 are each recodified as sections in chapter 43.19.

**PART IV  
POWERS AND DUTIES TRANSFERRED  
FROM THE DEPARTMENT OF PERSONNEL**

**Sec. 401.** RCW 41.06.020 and 1993 c 281 s 19 are each amended to read as follows:

Unless the context clearly indicates otherwise, the words used in this chapter have the meaning given in this section.

(1) "Agency" means an office, department, board, commission, or other separate unit or division, however designated, of the state government and all personnel thereof; it includes any unit of state government established by law, the executive officer or members of which are either elected or appointed, upon which the statutes confer powers and impose duties in connection with operations of either a governmental or proprietary nature.

(2) "Board" means the Washington personnel resources board established under the provisions of RCW 41.06.110, except that this definition does not apply to the words "board" or "boards" when used in RCW 41.06.070.

(3) "Classified service" means all positions in the state service subject to the provisions of this chapter.

(4) "Competitive service" means all positions in the classified service for which a competitive examination is required as a condition precedent to appointment.

(5) "Comparable worth" means the provision of similar salaries for positions that require or impose similar responsibilities, judgments, knowledge, skills, and working conditions.

(6) "Noncompetitive service" means all positions in the classified service for which a competitive examination is not required.

(7) "Department" means an agency of government that has as its governing officer a person, or combination of persons such as a commission, board, or council, by law empowered to operate the agency responsible either to (a) no other public officer or (b) the governor.

(8) "Career development" means the progressive development of employee capabilities to facilitate productivity, job satisfaction, and upward mobility through work assignments as well as education and training that are both state-sponsored and are achieved by individual employee efforts, all of which shall be consistent with the needs and obligations of the state and its agencies.

(9) "Training" means activities designed to develop job-related knowledge and skills of employees.

(10) "Director" means the human resources director (~~(of personnel appointed under the provisions of RCW 41.06.130))~~ within the office of financial management and appointed under section 430 of this act.

(11) "Affirmative action" means a procedure by which racial minorities, women, persons in the protected age category, persons with disabilities, Vietnam-era veterans, and disabled veterans are provided with increased employment opportunities. It shall not mean any sort of quota system.

(12) "Institutions of higher education" means the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, and the various state community colleges.

(13) "Related boards" means the state board for community and technical colleges; and such other boards, councils, and commissions related to higher education as may be established.

**Sec. 402.** RCW 41.06.076 and 1997 c 386 s 1 are each amended to read as follows:

In addition to the exemptions set forth in RCW 41.06.070, the provisions of this chapter shall not apply in the department of social and health services to the secretary; the secretary's executive assistant, if any; not to exceed six assistant secretaries, thirteen division directors, six regional directors; one confidential secretary for each of the above-named officers; not to exceed six bureau chiefs; ~~((all social worker V positions;))~~ and all superintendents of institutions of which the average daily population equals or exceeds one hundred residents ~~(= PROVIDED, That each such confidential secretary must meet the minimum qualifications for the class of secretary II as determined by the Washington personnel resources board.~~

~~This section expires June 30, 2005).~~

**Sec. 403.** RCW 41.06.080 and 1970 ex.s. c 12 s 2 are each amended to read as follows:

Notwithstanding the provisions of this chapter, the ~~((department of personnel))~~ office of financial management and the department of enterprise services may make ~~((its))~~ their human resource services available on request, on a reimbursable basis, to:

- (1) Either the legislative or the judicial branch of the state government;
- (2) Any county, city, town, or other municipal subdivision of the state;
- (3) The institutions of higher learning;
- (4) Any agency, class, or position set forth in RCW 41.06.070.

**Sec. 404.** RCW 41.06.093 and 1993 c 281 s 24 are each amended to read as follows:

In addition to the exemptions set forth in RCW 41.06.070, the provisions of this chapter shall not apply in the Washington state patrol to confidential secretaries of agency bureau chiefs, or their functional equivalent, and a confidential secretary for the chief of staff(~~:(= PROVIDED, That each confidential secretary must meet the minimum qualifications for the class of secretary II as determined by the Washington personnel resources board).~~).

**Sec. 405.** RCW 41.06.110 and 2002 c 354 s 210 are each amended to read as follows:

(1) There is hereby created a Washington personnel resources board composed of three members appointed by the governor, subject to confirmation by the senate. The members of the personnel board serving June 30, 1993, shall be the members of the Washington personnel resources board, and they shall complete their terms as under the personnel board. Each odd-numbered year thereafter the governor shall appoint a member for a six-year term. Each member shall continue to hold office after the expiration of the member's term until a successor has been appointed. Persons so appointed shall have clearly demonstrated an interest and belief in the merit principle, shall not hold any other employment with the state, shall not have been an officer of a political party for a period of one year immediately prior to such appointment, and shall not be or become a candidate for partisan elective public office during the term to which they are appointed;

(2) Each member of the board shall be compensated in accordance with RCW 43.03.250. The members of the board may receive any number of daily payments for official meetings of the board actually attended. Members of the board shall also be reimbursed for travel expenses incurred in the discharge of their official duties in accordance with RCW 43.03.050 and 43.03.060.

(3) At its first meeting following the appointment of all of its members, and annually thereafter, the board shall elect a chair and vice chair from among its members to serve one year. The presence of at least two members of the board shall constitute a quorum to transact business. A written public record shall be kept by the board of all actions of the board. The director (~~(of personnel)~~) shall serve as secretary.

(4) The board may appoint and compensate hearing officers to hear and conduct appeals. Such compensation shall be paid on a contractual basis for each hearing, in accordance with the provisions of chapter 43.88 RCW and rules adopted pursuant thereto, as they relate to personal service contracts.

**Sec. 406.** RCW 41.06.120 and 1981 c 311 s 17 are each amended to read as follows:

(1) In the necessary conduct of its work, the board shall meet monthly unless there is no pending business requiring board action and may hold hearings, such hearings to be called by (a) the chairman of the board, or (b) a majority of the members of the board. An official notice of the calling of the hearing shall be filed with the secretary, and all members shall be notified of the hearing within a reasonable period of time prior to its convening.

(2) No release of material or statement of findings shall be made except with the approval of a majority of the board;

(3) In the conduct of hearings or investigations, a member of the board or the director (~~(of personnel)~~), or the hearing officer, may administer oaths.

**Sec. 407.** RCW 41.06.133 and 2010 c 2 s 3 and 2010 c 1 s 2 are each reenacted and amended to read as follows:

(1) The director shall adopt rules, consistent with the purposes and provisions of this chapter and with the best standards of personnel administration, regarding the basis and procedures to be followed for:

(a) The reduction, dismissal, suspension, or demotion of an employee;

(b) Training and career development;

(c) Probationary periods of six to twelve months and rejections of probationary employees, depending on the job requirements of the class, except ~~((that))~~ as follows:

(i) Entry level state park rangers shall serve a probationary period of twelve months; and

(ii) The probationary period of campus police officer appointees who are required to attend the Washington state criminal justice training commission basic law enforcement academy shall extend from the date of appointment until twelve months from the date of successful completion of the basic law enforcement academy, or twelve months from the date of appointment if academy training is not required. The director shall adopt rules to ensure that employees promoting to campus police officer who are required to attend the Washington state criminal justice training commission basic law enforcement academy shall have the trial service period extend from the date of appointment until twelve months from the date of successful completion of the basic law enforcement academy, or twelve months from the date of appointment if academy training is not required;

(d) Transfers;

(e) Promotional preferences;

(f) Sick leaves and vacations;

(g) Hours of work;

(h) Layoffs when necessary and subsequent reemployment, except for the financial basis for layoffs;

(i) The number of names to be certified for vacancies;

(j) Adoption and revision of a state salary schedule to reflect the prevailing rates in Washington state private industries and other governmental units. The rates in the salary schedules or plans shall be increased if necessary to attain comparable worth under an implementation plan under RCW 41.06.155 and, for institutions of higher education and related boards, shall be competitive for positions of a similar nature in the state or the locality in which an institution of higher education or related board is located. Such adoption and revision is subject to approval by the director of financial management in accordance with chapter 43.88 RCW;

(k) Increment increases within the series of steps for each pay grade based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service. From February 18, 2009, through June 30, 2011, a salary or wage increase shall not be granted to any exempt position under this chapter, except that a salary or wage increase may be granted to employees pursuant to collective bargaining agreements negotiated under chapter 28B.52, 41.56, 47.64, or 41.76 RCW, or negotiated by

the nonprofit corporation formed under chapter 67.40 RCW, and except that increases may be granted for positions for which the employer has demonstrated difficulty retaining qualified employees if the following conditions are met:

- (i) The salary increase can be paid within existing resources; and
- (ii) The salary increase will not adversely impact the provision of client services;

Any agency granting a salary increase from February 15, 2010, through June 30, 2011, to a position exempt under this chapter shall submit a report to the fiscal committees of the legislature no later than July 31, 2011, detailing the positions for which salary increases were granted, the size of the increases, and the reasons for giving the increases;

(l) Optional lump sum relocation compensation approved by the agency director, whenever it is reasonably necessary that a person make a domiciliary move in accepting a transfer or other employment with the state. An agency must provide lump sum compensation within existing resources. If the person receiving the relocation payment terminates or causes termination with the state, for reasons other than layoff, disability separation, or other good cause as determined by an agency director, within one year of the date of the employment, the state is entitled to reimbursement of the lump sum compensation from the person;

(m) Providing for veteran's preference as required by existing statutes, with recognition of preference in regard to layoffs and subsequent reemployment for veterans and their surviving spouses by giving such eligible veterans and their surviving spouses additional credit in computing their seniority by adding to their unbroken state service, as defined by the director, the veteran's service in the military not to exceed five years. For the purposes of this section, "veteran" means any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service, has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given. However, the surviving spouse of a veteran is entitled to the benefits of this section regardless of the veteran's length of active military service. For the purposes of this section, "veteran" does not include any person who has voluntarily retired with twenty or more years of active military service and whose military retirement pay is in excess of five hundred dollars per month.

(2) Rules adopted under this section by the director shall provide for local administration and management by the institutions of higher education and related boards, subject to periodic audit and review by the director.

(3) Rules adopted by the director under this section may be superseded by the provisions of a collective bargaining agreement negotiated under RCW 41.80.001 and 41.80.010 through 41.80.130. The supersession of such rules shall only affect employees in the respective collective bargaining units.

(4)(a) The director shall require that each state agency report annually the following data:

(i) The number of classified, Washington management service, and exempt employees in the agency and the change compared to the previous report;

(ii) The number of bonuses and performance-based incentives awarded to agency staff and the base wages of such employees; and

(iii) The cost of each bonus or incentive awarded.

(b) A report that compiles the data in (a) of this subsection for all agencies will be provided annually to the governor and the appropriate committees of the legislature and must be posted for the public on the ~~((department of personnel's))~~ office of financial management's agency web site.

(5) From February 15, 2010, until June 30, 2011, no monetary performance-based awards or incentives may be granted by the director or employers to employees covered by rules adopted under this section. This subsection does not prohibit the payment of awards provided for in chapter 41.60 RCW.

**Sec. 408.** RCW 41.06.142 and 2008 c 267 s 9 are each amended to read as follows:

(1) Any department, agency, or institution of higher education may purchase services, including services that have been customarily and historically provided by employees in the classified service under this chapter, by contracting with individuals, nonprofit organizations, businesses, employee business units, or other entities if the following criteria are met:

(a) The invitation for bid or request for proposal contains measurable standards for the performance of the contract;

(b) Employees in the classified service whose positions or work would be displaced by the contract are provided an opportunity to offer alternatives to purchasing services by contract and, if these alternatives are not accepted, compete for the contract under competitive contracting procedures in subsection (4) of this section;

(c) The contract with an entity other than an employee business unit includes a provision requiring the entity to consider employment of state employees who may be displaced by the contract;

(d) The department, agency, or institution of higher education has established a contract monitoring process to measure contract performance, costs, service delivery quality, and other contract standards, and to cancel contracts that do not meet those standards; and

(e) The department, agency, or institution of higher education has determined that the contract results in savings or efficiency improvements. The contracting agency must consider the consequences and potential mitigation of improper or failed performance by the contractor.

(2) Any provision contrary to or in conflict with this section in any collective bargaining agreement in effect on July 1, 2005, is not effective beyond the expiration date of the agreement.

(3) Contracting for services that is expressly mandated by the legislature or was authorized by law prior to July 1, 2005, including contracts and agreements between public entities, shall not be subject to the processes set forth in subsections (1), (4), and (5) of this section.

(4) Competitive contracting shall be implemented as follows:

(a) At least ninety days prior to the date the contracting agency requests bids from private entities for a contract for services provided by classified employees, the contracting agency shall notify the classified employees whose positions or

work would be displaced by the contract. The employees shall have sixty days from the date of notification to offer alternatives to purchasing services by contract, and the agency shall consider the alternatives before requesting bids.

(b) If the employees decide to compete for the contract, they shall notify the contracting agency of their decision. Employees must form one or more employee business units for the purpose of submitting a bid or bids to perform the services.

(c) The ~~((director of personnel))~~ department of enterprise services, with the advice and assistance of the ~~((department of general administration))~~ office of financial management, shall develop and make available to employee business units training in the bidding process and general bid preparation.

(d) The director of ~~((general administration))~~ enterprise services, with the advice and assistance of the ~~((department of personnel))~~ office of financial management, shall, by rule, establish procedures to ensure that bids are submitted and evaluated in a fair and objective manner and that there exists a competitive market for the service. Such rules shall include, but not be limited to: (i) Prohibitions against participation in the bid evaluation process by employees who prepared the business unit's bid or who perform any of the services to be contracted; (ii) provisions to ensure no bidder receives an advantage over other bidders and that bid requirements are applied equitably to all parties; and (iii) procedures that require the contracting agency to receive complaints regarding the bidding process and to consider them before awarding the contract. Appeal of an agency's actions under this subsection is an adjudicative proceeding and subject to the applicable provisions of chapter 34.05 RCW, the administrative procedure act, with the final decision to be rendered by an administrative law judge assigned under chapter 34.12 RCW.

(e) An employee business unit's bid must include the fully allocated costs of the service, including the cost of the employees' salaries and benefits, space, equipment, materials, and other costs necessary to perform the function. An employee business unit's cost shall not include the state's indirect overhead costs unless those costs can be attributed directly to the function in question and would not exist if that function were not performed in state service.

(f) A department, agency, or institution of higher education may contract with the department of ~~((general administration))~~ enterprise services to conduct the bidding process.

(5) As used in this section:

(a) "Employee business unit" means a group of employees who perform services to be contracted under this section and who submit a bid for the performance of those services under subsection (4) of this section.

(b) "Indirect overhead costs" means the pro rata share of existing agency administrative salaries and benefits, and rent, equipment costs, utilities, and materials associated with those administrative functions.

(c) "Competitive contracting" means the process by which classified employees of a department, agency, or institution of higher education compete with businesses, individuals, nonprofit organizations, or other entities for contracts authorized by subsection (1) of this section.

(6) The ~~((requirements))~~ processes set forth in subsections (1), (4), and (5) of this section do not apply to:

(a) RCW 74.13.031(5);



(b) The acquisition of printing services by a state agency; and

(c) Contracting for services or activities by the department of enterprise services under section 104 of this act and the department may continue to contract for such services and activities after June 30, 2018.

(7) The processes set forth in subsections (1), (4), and (5) of this section do not apply to the consolidated technology services agency when contracting for services or activities as follows:

(a) Contracting for services and activities that are necessary to establish, operate, or manage the state data center, including architecture, design, engineering, installation, and operation of the facility that are approved by the technology services board created in section 715 of this act.

(b) Contracting for services and activities recommended by the chief information officer through a business plan and approved by the technology services board created in section 715 of this act.

**Sec. 409.** RCW 41.06.150 and 2002 c 371 s 906, 2002 c 354 s 203, 2002 c 354 s 202, and 2002 c 110 s 1 are each reenacted and amended to read as follows:

The director shall adopt rules, consistent with the purposes and provisions of this chapter and with the best standards of personnel administration, regarding the basis and procedures to be followed for:

(1) Certification of names for vacancies;

(2) Examinations for all positions in the competitive and noncompetitive service;

(3) Appointments;

~~(4) ((Adoption and revision of a comprehensive classification plan, in accordance with rules adopted by the board under RCW 41.06.136, for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position and allocation and reallocation of positions within the classification plan.~~

~~(a) The director shall not adopt job classification revisions or class studies unless implementation of the proposed revision or study will result in net cost savings, increased efficiencies, or improved management of personnel or services, and the proposed revision or study has been approved by the director of financial management in accordance with chapter 43.88 RCW.~~

~~(b) Reclassifications, class studies, and salary adjustments are governed by (a) of this subsection and RCW 41.06.152;~~

~~(5))~~ Permitting agency heads to delegate the authority to appoint, reduce, dismiss, suspend, or demote employees within their agencies if such agency heads do not have specific statutory authority to so delegate: PROVIDED, That the director may not authorize such delegation to any position lower than the head of a major subdivision of the agency;

~~((6))~~ (5) Assuring persons who are or have been employed in classified positions before July 1, 1993, will be eligible for employment, reemployment, transfer, and promotion in respect to classified positions covered by this chapter;

~~((7))~~ (6) Affirmative action in appointment, promotion, transfer, recruitment, training, and career development; development and implementation of affirmative action goals and timetables; and monitoring of progress against those goals and timetables.

The director shall consult with the human rights commission in the development of rules pertaining to affirmative action. ~~((The department of personnel shall transmit a report annually to the human rights commission which states the progress each state agency has made in meeting affirmative action goals and timetables.))~~

Rules adopted under this section by the director shall provide for local administration and management by the institutions of higher education and related boards, subject to periodic audit and review by the director.

**Sec. 410.** RCW 41.06.152 and 2007 c 489 s 1 are each amended to read as follows:

(1) The director shall adopt only those job classification revisions, class studies, and salary adjustments under ~~((RCW 41.06.150(4)))~~ section 411 of this act that:

(a) As defined by the director, are due to documented recruitment or retention difficulties, salary compression or inversion, classification plan maintenance, higher level duties and responsibilities, or inequities; and

(b) Are such that the office of financial management has reviewed the affected agency's fiscal impact statement and has concurred that the affected agency can absorb the biennialized cost of the reclassification, class study, or salary adjustment within the agency's current authorized level of funding for the current fiscal biennium and subsequent fiscal biennia.

(2) This section does not apply to the higher education hospital special pay plan or to any adjustments to the classification plan under ~~((RCW 41.06.150(4)))~~ section 411 of this act that are due to emergent conditions. Emergent conditions are defined as emergency conditions requiring the establishment of positions necessary for the preservation of the public health, safety, or general welfare.

**NEW SECTION. Sec. 411.** A new section is added to chapter 41.06 RCW to read as follows:

(1) To promote the most effective use of the state's workforce and improve the effectiveness and efficiency of the delivery of services to the citizens of the state, the director shall adopt and maintain a comprehensive classification plan for all positions in the classified service. The classification plan must:

(a) Be simple and streamlined;

(b) Support state agencies in responding to changing technologies, economic and social conditions, and the needs of its citizens;

(c) Value workplace diversity;

(d) Facilitate the reorganization and decentralization of governmental services;

(e) Enhance mobility and career advancement opportunities; and

(f) Consider rates in other public employment and private employment in the state.

(2) An appointing authority and an employee organization representing classified employees of the appointing authority for collective bargaining purposes may jointly request the human resources director to initiate a classification study.

(3) For institutions of higher education and related boards, the director may adopt special salary ranges to be competitive with positions of a similar nature in

the state or the locality in which the institution of higher education or related board is located.

(4) The director may undertake salary surveys of positions in other public and private employment to establish market rates. Any salary survey information collected from private employers which identifies a specific employer with salary rates which the employer pays to its employees shall not be subject to public disclosure under chapter 42.56 RCW.

NEW SECTION. Sec. 412. A new section is added to chapter 41.06 RCW to read as follows:

The director of financial management shall adopt and maintain a state salary schedule. Such adoption and revision is subject to approval by the director in accordance with chapter 43.88 RCW.

**Sec. 413.** RCW 41.06.167 and 2005 c 274 s 279 are each amended to read as follows:

The (~~department of personnel~~) human resources director shall undertake comprehensive compensation surveys for officers and entry-level officer candidates of the Washington state patrol, with such surveys to be conducted in the year prior to the convening of every other one hundred five day regular session of the state legislature. Salary and fringe benefit survey information collected from private employers which identifies a specific employer with the salary and fringe benefit rates which that employer pays to its employees shall not be subject to public disclosure under chapter 42.56 RCW.

**Sec. 414.** RCW 41.06.169 and 1985 c 461 s 3 are each amended to read as follows:

After consultation with state agency heads, employee organizations, and other interested parties, the (~~state personnel~~) director shall develop standardized employee performance evaluation procedures and forms which shall be used by state agencies for the appraisal of employee job performance at least annually. These procedures shall include means whereby individual agencies may supplement the standardized evaluation process with special performance factors peculiar to specific organizational needs. Performance evaluation procedures shall place primary emphasis on recording how well the employee has contributed to efficiency, effectiveness, and economy in fulfilling state agency and job objectives.

**Sec. 415.** RCW 41.06.170 and 2009 c 534 s 3 are each amended to read as follows:

(1) The director, in the adoption of rules governing suspensions for cause, shall not authorize an appointing authority to suspend an employee for more than fifteen calendar days as a single penalty or more than thirty calendar days in any one calendar year as an accumulation of several penalties. The director shall require that the appointing authority give written notice to the employee not later than one day after the suspension takes effect, stating the reasons for and the duration thereof.

(2) Any employee who is reduced, dismissed, suspended, or demoted, after completing his or her probationary period of service as provided by the rules of the director, or any employee who is adversely affected by a violation of the state civil service law, chapter 41.06 RCW, or rules adopted under it, shall have the right to appeal, either individually or through his or her authorized

representative, not later than thirty days after the effective date of such action ~~((to the personnel appeals board through June 30, 2005, and))~~ to the Washington personnel resources board ~~((after June 30, 2005))~~. The employee shall be furnished with specified charges in writing when a reduction, dismissal, suspension, or demotion action is taken. Such appeal shall be in writing. Decisions of the Washington personnel resources board on appeals filed after June 30, 2005, shall be final and not subject to further appeal.

(3) Any employee whose position has been exempted after July 1, 1993, shall have the right to appeal, either individually or through his or her authorized representative, not later than thirty days after the effective date of such action to the ~~((personnel appeals board through June 30, 2005, and to the))~~ Washington personnel resources board ~~((after June 30, 2005))~~. If the position being exempted is vacant, the exclusive bargaining unit representative may act in lieu of an employee for the purposes of appeal.

(4) An employee incumbent in a position at the time of its allocation or reallocation, or the agency utilizing the position, may appeal the allocation or reallocation to the ~~((personnel appeals board through December 31, 2005, and to the))~~ Washington personnel resources board ~~((after December 31, 2005))~~. Notice of such appeal must be filed in writing within thirty days of the action from which appeal is taken.

(5) Subsections (1) and (2) of this section do not apply to any employee who is subject to the provisions of a collective bargaining agreement negotiated under RCW 41.80.001 and 41.80.010 through 41.80.130.

**Sec. 416.** RCW 41.06.220 and 1961 c 1 s 22 are each amended to read as follows:

~~((1) An employee who is terminated from state service may request the board to place his name on an appropriate reemployment list and the board shall grant this request where the circumstances are found to warrant reemployment.~~

~~(2))~~ Any employee, when fully reinstated after appeal, shall be guaranteed all employee rights and benefits, including back pay, sick leave, vacation accrual, retirement and OASDI credits.

**Sec. 417.** RCW 41.06.260 and 1961 c 1 s 26 are each amended to read as follows:

If any part of this chapter shall be found to be in conflict with federal requirements which are a condition precedent to the allocation of federal funds to the state, such conflicting part of this chapter is hereby declared to be inoperative solely to the extent of such conflict and with respect to the agencies directly affected, and such findings or determination shall not affect the operation of the remainder of this chapter in its application to the agencies concerned. The ~~((board))~~ office of financial management and the department of enterprise services, as appropriate, shall make such rules and regulations as may be necessary to meet federal requirements which are a condition precedent to the receipt of federal funds by the state.

**Sec. 418.** RCW 41.06.270 and 2002 c 354 s 217 are each amended to read as follows:

A disbursing officer shall not pay any employee holding a position covered by this chapter unless the employment is in accordance with this chapter or the rules, regulations and orders issued hereunder. The directors of ~~((personnel))~~

enterprise services and financial management shall jointly establish procedures for the certification of payrolls.

**Sec. 419.** RCW 41.06.280 and 1993 c 379 s 309 are each amended to read as follows:

There is hereby created a fund within the state treasury, designated as the "~~((department of))~~ personnel service fund," to be used by the ~~((board))~~ office of financial management and the department of enterprise services as a revolving fund for the payment of salaries, wages, and operations required for the administration of the provisions of this chapter, applicable provisions of chapter 41.04 RCW, and chapter 41.60 RCW. An amount not to exceed one and one-half percent of the ~~((approved allotments of))~~ salaries and wages for all positions in the classified service in each of the agencies subject to this chapter, except the institutions of higher education, shall be charged to the operations appropriations of each agency and credited to the ~~((department of))~~ personnel service fund as the allotments are approved pursuant to chapter 43.88 RCW. Subject to the above limitations, the amount shall be charged against the allotments pro rata, at a rate to be fixed by the director from time to time which, together with income derived from services rendered under RCW 41.06.080, will provide the ~~((department))~~ office of financial management and the department of enterprise services with funds to meet its anticipated expenditures during the allotment period, including the training requirements in RCW 41.06.500 and 41.06.530.

The director ~~((of personnel))~~ shall fix the terms and charges for services rendered by the department of ~~((personnel))~~ enterprise services and the office of financial management pursuant to RCW 41.06.080, which amounts shall be credited to the ~~((department of))~~ personnel service fund and charged against the proper fund or appropriation of the recipient of such services on a ~~((quarterly))~~ monthly basis. Payment for services so rendered under RCW 41.06.080 shall be made on a ~~((quarterly))~~ monthly basis to the state treasurer and deposited ~~((by him))~~ in the ~~((department of))~~ personnel service fund.

Moneys from the ~~((department of))~~ personnel service fund shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the ~~((board))~~ office of financial management and the department of enterprise services.

**Sec. 420.** RCW 41.06.285 and 1998 c 245 s 41 are each amended to read as follows:

(1) There is hereby created a fund within the state treasury, designated as the "higher education personnel service fund," to be used by the ~~((board))~~ office of financial management as a revolving fund for the payment of salaries, wages, and operations required for the administration of ~~((institutions of higher education and related boards, the budget for which shall be subject to review and approval and appropriation by the legislature))~~ the provisions of chapter 41.06 RCW and applicable provisions of chapters 41.04 and 41.60 RCW. Subject to the requirements of subsection (2) of this section, an amount not to exceed one-half of one percent of the salaries and wages for all positions in the classified service shall be contributed from the operations appropriations of each institution and the state board for community and technical colleges and credited to the higher education personnel service fund as such allotments are approved pursuant to chapter 43.88 RCW. Subject to the above limitations, such amount

shall be charged against the allotments pro rata, at a rate to be fixed by the director of financial management from time to time, which will provide the ~~((board))~~ office of financial management with funds to meet its anticipated expenditures during the allotment period.

(2) If employees of institutions of higher education cease to be classified under this chapter pursuant to an agreement authorized by RCW 41.56.201, each institution of higher education and the state board for community and technical colleges shall continue, for six months after the effective date of the agreement, to make contributions to the higher education personnel service fund based on employee salaries and wages that includes the employees under the agreement. At the expiration of the six-month period, the director of financial management shall make across-the-board reductions in allotments of the higher education personnel service fund for the remainder of the biennium so that the charge to the institutions of higher education and state board for community and technical colleges based on the salaries and wages of the remaining employees of institutions of higher education and related boards classified under this chapter does not increase during the biennium, unless an increase is authorized by the legislature.

(3) Moneys from the higher education personnel service fund shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the ~~((board))~~ office of financial management.

**Sec. 421.** RCW 41.06.350 and 2002 c 354 s 218 are each amended to read as follows:

The director is authorized to receive federal funds now available or hereafter made available for the assistance and improvement of public personnel administration, which may be expended in addition to the ~~((department of))~~ personnel service fund established by RCW 41.06.280.

**Sec. 422.** RCW 41.06.395 and 2007 c 76 s 1 are each amended to read as follows:

The director shall adopt rules establishing guidelines for policies, procedures, and mandatory training programs on sexual harassment for state employees to be adopted by state agencies ~~((and establishing))~~. The department of enterprise services shall establish reporting requirements for state agencies on compliance with RCW 43.01.135.

**Sec. 423.** RCW 41.06.400 and 2002 c 354 s 219 are each amended to read as follows:

(1) In addition to other powers and duties specified in this chapter, the ~~((director))~~ department of enterprise services in consultation with the office of financial management shall~~((;))~~:

~~((a))~~ By rule, prescribe the purpose and minimum standards for training and career development programs and, in so doing, regularly consult with and consider the needs of individual agencies and employees~~((;))~~

~~((2))~~ In addition to other powers and duties specified in this chapter, the director shall:

~~((a))~~ Provide for the evaluation of training and career development programs and plans of agencies. The director shall report the results of such evaluations to the agency which is the subject of the evaluation~~((;))~~

(b) Provide training and career development programs which may be conducted more efficiently and economically on an interagency basis;

(c) Promote interagency sharing of resources for training and career development;

(d) Monitor and review the impact of training and career development programs to ensure that the responsibilities of the state to provide equal employment opportunities are diligently carried out.

~~((3))~~ (2) At an agency's request, the ~~((director))~~ department of enterprise services may provide training and career development programs for an agency's internal use which may be conducted more efficiently and economically by the department of ~~((personnel))~~ enterprise services.

**Sec. 424.** RCW 41.06.410 and 2002 c 354 s 220 are each amended to read as follows:

Each agency subject to the provisions of this chapter shall:

(1) Prepare an employee training and career development plan which shall at least meet minimum standards established by the ~~((director. A copy of such plan shall be submitted to the director for purposes of administering the provisions of RCW 41.06.400(2)))~~ department of enterprise services;

(2) Provide for training and career development for its employees in accordance with the agency plan;

(3) ~~((Report on its training and career development program operations and costs to the director in accordance with reporting procedures adopted by the director;~~

~~(4))~~ Budget for training and career development in accordance with procedures of the office of financial management.

**Sec. 425.** RCW 41.06.420 and 1980 c 118 s 6 are each amended to read as follows:

(1) The ~~((board))~~ office of financial management, by rule, shall prescribe the conditions under which an employee appointed to a supervisory or management position after June 12, 1980, shall be required to successfully complete an entry-level management training course as approved by the director. Such training shall not be required of any employee who has completed a management training course prior to the employee's appointment which is, in the judgment of the director, at least equivalent to the entry-level course required by this section.

(2) The ~~((board))~~ office of financial management, by rule, shall establish procedures for the suspension of the entry-level training requirement in cases where the ability of an agency to perform its responsibilities is adversely affected, or for the waiver of this requirement in cases where a person has demonstrated experience as a substitute for training.

(3) Agencies subject to the provisions of this chapter, in accordance with rules prescribed by the ~~((board))~~ office of financial management, shall designate individual positions, or groups of positions, as being "supervisory" or "management" positions. Such designations shall be subject to review by the director ~~((as part of the director's evaluation of training and career development programs prescribed by RCW 41.06.400(2)))~~.

**Sec. 426.** RCW 41.06.476 and 2001 c 296 s 6 are each amended to read as follows:

(1) The ~~((board))~~ office of financial management shall amend any existing rules established under RCW 41.06.475 and adopt rules developed in cooperation and agreement with the department of social and health services to implement the provisions of chapter 296, Laws of 2001.

(2) The legislature's delegation of authority to the agency under chapter 296, Laws of 2001 is strictly limited to:

(a) The minimum delegation necessary to administer the clear and unambiguous directives of chapter 296, Laws of 2001; and

(b) The administration of circumstances and behaviors foreseeable at the time of enactment.

**Sec. 427.** RCW 41.06.490 and 2002 c 354 s 223 are each amended to read as follows:

~~((1))~~ In addition to the rules adopted under RCW 41.06.150, the director shall adopt rules establishing a state employee return-to-work program. The program shall, at a minimum:

~~((a))~~ (1) Direct each agency to adopt a return-to-work policy. The program shall allow each agency program to take into consideration the special nature of employment in the agency;

~~((b))~~ (2) Provide for eligibility in the return-to-work program, for a minimum of two years from the date the temporary disability commenced, for any permanent employee who is receiving compensation under RCW 51.32.090 and who is, by reason of his or her temporary disability, unable to return to his or her previous work, but who is physically capable of carrying out work of a lighter or modified nature;

~~((c))~~ Allow opportunity for return to work statewide when appropriate job classifications are not available in the agency that is the appointing authority at the time of injury;

~~((d))~~ (3) Require each agency to name an agency representative responsible for coordinating the return-to-work program of the agency;

~~((e))~~ (4) Provide that applicants receiving appointments for classified service receive an explanation of the return-to-work policy;

~~((f))~~ (5) Require training of supervisors on implementation of the return-to-work policy, including but not limited to assessment of the appropriateness of the return-to-work job for the employee; and

~~((g))~~ (6) Coordinate participation of applicable employee assistance programs, as appropriate.

~~((2))~~ The agency full-time equivalents necessary to implement the return-to-work program established under this section shall be used only for the purposes of the return to work program and the net increase in full-time equivalents shall be temporary.)

**Sec. 428.** RCW 41.06.510 and 1993 c 281 s 10 are each amended to read as follows:

Each institution of higher education and each related board shall designate an officer who shall perform duties as personnel officer. The personnel officer at each institution or related board shall direct, supervise, and manage administrative and technical personnel activities for the classified service at the institution or related board consistent with policies established by the institution or related board and in accordance with the provisions of this chapter and the



rules adopted under this chapter. Institutions may undertake jointly with one or more other institutions to appoint a person qualified to perform the duties of personnel officer, provide staff and financial support and may engage consultants to assist in the performance of specific projects. The services of the department of ~~((personnel))~~ enterprise services and the office of financial management may also be used by the institutions or related boards pursuant to RCW 41.06.080.

The state board for community and technical colleges shall have general supervision and control over activities undertaken by the various community colleges pursuant to this section.

**Sec. 429.** RCW 41.06.530 and 1993 c 281 s 12 are each amended to read as follows:

(1) The legislature recognizes that:

(a) The labor market and the state government workforce are diverse in terms of gender, race, ethnicity, age, and the presence of disabilities.

(b) The state's personnel resource and management practices must be responsive to the diverse nature of its workforce composition.

(c) Managers in all agencies play a key role in the implementation of all critical personnel policies.

It is therefore the policy of the state to create an organizational culture in state government that respects and values individual differences and encourages the productive potential of every employee.

(2) To implement this policy ~~((, the department shall))~~:

(a) The office of financial management shall, in consultation with agencies, employee organizations, employees, institutions of higher education, and related boards, review civil service rules and related policies to ensure that they support the state's policy of valuing and managing diversity in the workplace; and

~~((In consultation with agencies, employee organizations, and employees, institutions of higher education, and related boards, develop model policies, procedures, and technical information to be made available to such entities for the support of workplace diversity programs, including, but not limited to:~~

~~(i) Voluntary mentorship programs;~~

~~(ii) Alternative testing practices for persons of disability where deemed appropriate;~~

~~(iii) Career counseling;~~

~~(iv) Training opportunities, including management and employee awareness and skills training, English as a second language, and individual tutoring;~~

~~(v) Recruitment strategies;~~

~~(vi) Management performance appraisal techniques that focus on valuing and managing diversity in the workplace; and~~

~~(vii) Alternative work arrangements;~~

~~(e))~~ The department of enterprise services, in consultation with agencies, employee organizations, and employees, institutions of higher education, and related boards, develop training programs for all managers to enhance their ability to implement diversity policies and to provide a thorough grounding in all aspects of the state civil service law and merit system rules, and how the proper implementation and application thereof can facilitate and further the mission of the agency.

(3) The department of enterprise services and the office of financial management shall coordinate implementation of this section with the ~~((office of financial management and))~~ institutions of higher education and related boards to reduce duplication of effort.

NEW SECTION. Sec. 430. A new section is added to chapter 43.41 RCW to read as follows:

(1) The office of financial management shall direct and supervise the personnel policy and application of the civil service laws, chapter 41.06 RCW.

(2) The human resources director is created in the office of financial management. The human resources director shall be appointed by the governor, and shall serve at the pleasure of the governor. The director shall receive a salary in an amount fixed by the governor.

(3) The human resources director has the authority and shall perform the functions as prescribed in chapter 41.06 RCW, or as otherwise prescribed by law.

(4) The human resources director may delegate to any agency the authority to perform administrative and technical personnel activities if the agency requests such authority and the human resources director is satisfied that the agency has the personnel management capabilities to effectively perform the delegated activities. The human resources director shall prescribe standards and guidelines for the performance of delegated activities. If the human resources director determines that an agency is not performing delegated activities within the prescribed standards and guidelines, the director shall withdraw the authority from the agency to perform such activities.

Sec. 431. RCW 34.05.030 and 2006 c 300 s 4 are each amended to read as follows:

(1) This chapter shall not apply to:

(a) The state militia, or

(b) The board of clemency and pardons, or

(c) The department of corrections or the indeterminate sentencing review board with respect to persons who are in their custody or are subject to the jurisdiction of those agencies.

(2) The provisions of RCW 34.05.410 through 34.05.598 shall not apply:

(a) To adjudicative proceedings of the board of industrial insurance appeals except as provided in RCW 7.68.110 and 51.48.131;

(b) Except for actions pursuant to chapter 46.29 RCW, to the denial, suspension, or revocation of a driver's license by the department of licensing;

(c) To the department of labor and industries where another statute expressly provides for review of adjudicative proceedings of a department action, order, decision, or award before the board of industrial insurance appeals;

(d) To actions of the Washington personnel resources board ~~((or the director of personnel))~~, the human resources director, or the office of financial management and the department of enterprise services when carrying out their duties under chapter 41.06 RCW;

(e) To adjustments by the department of revenue of the amount of the surcharge imposed under RCW 82.04.261; or

(f) To the extent they are inconsistent with any provisions of chapter 43.43 RCW.

(3) Unless a party makes an election for a formal hearing pursuant to RCW 82.03.140 or 82.03.190, RCW 34.05.410 through 34.05.598 do not apply to a review hearing conducted by the board of tax appeals.

(4) The rule-making provisions of this chapter do not apply to:

(a) Reimbursement unit values, fee schedules, arithmetic conversion factors, and similar arithmetic factors used to determine payment rates that apply to goods and services purchased under contract for clients eligible under chapter 74.09 RCW; and

(b) Adjustments by the department of revenue of the amount of the surcharge imposed under RCW 82.04.261.

(5) All other agencies, whether or not formerly specifically excluded from the provisions of all or any part of the administrative procedure act, shall be subject to the entire act.

**Sec. 432.** RCW 41.04.340 and 2002 c 354 s 227 are each amended to read as follows:

(1) An attendance incentive program is established for all eligible employees. As used in this section the term "eligible employee" means any employee of the state, other than eligible employees of the community and technical colleges and the state board for community and technical colleges identified in RCW 28B.50.553, and teaching and research faculty at the state and regional universities and The Evergreen State College, entitled to accumulate sick leave and for whom accurate sick leave records have been maintained. No employee may receive compensation under this section for any portion of sick leave accumulated at a rate in excess of one day per month. The state and regional universities and The Evergreen State College shall maintain complete and accurate sick leave records for all teaching and research faculty.

(2) In January of the year following any year in which a minimum of sixty days of sick leave is accrued, and each January thereafter, any eligible employee may receive remuneration for unused sick leave accumulated in the previous year at a rate equal to one day's monetary compensation of the employee for each four full days of accrued sick leave in excess of sixty days. Sick leave for which compensation has been received shall be deducted from accrued sick leave at the rate of four days for every one day's monetary compensation.

(3) At the time of separation from state service due to retirement or death, an eligible employee or the employee's estate may elect to receive remuneration at a rate equal to one day's current monetary compensation of the employee for each four full days of accrued sick leave.

(4) Remuneration or benefits received under this section shall not be included for the purpose of computing a retirement allowance under any public retirement system in this state.

(5) Except as provided in subsections (7) through (9) of this section for employees not covered by chapter 41.06 RCW, this section shall be administered, and rules shall be adopted to carry out its purposes, by the human resources director (~~(of personnel)~~) for persons subject to chapter 41.06 RCW: PROVIDED, That determination of classes of eligible employees shall be subject to approval by the office of financial management.

(6) Should the legislature revoke any remuneration or benefits granted under this section, no affected employee shall be entitled thereafter to receive such benefits as a matter of contractual right.

(7) In lieu of remuneration for unused sick leave at retirement as provided in subsection (3) of this section, an agency head or designee may with equivalent funds, provide eligible employees with a benefit plan that provides for reimbursement for medical expenses. This plan shall be implemented only after consultation with affected groups of employees. For eligible employees covered by chapter 41.06 RCW, procedures for the implementation of these plans shall be adopted by the human resources director (~~(of personnel)~~). For eligible employees exempt from chapter 41.06 RCW, and classified employees who have opted out of coverage of chapter 41.06 RCW as provided in RCW 41.56.201, implementation procedures shall be adopted by an agency head having jurisdiction over the employees.

(8) Implementing procedures adopted by the human resources director (~~(of personnel)~~) or agency heads shall require that each medical expense plan authorized by subsection (7) of this section apply to all eligible employees in any one of the following groups: (a) Employees in an agency; (b) employees in a major organizational subdivision of an agency; (c) employees at a major operating location of an agency; (d) exempt employees under the jurisdiction of an elected or appointed Washington state executive; (e) employees of the Washington state senate; (f) employees of the Washington state house of representatives; (g) classified employees in a bargaining unit established by the director of personnel; or (h) other group of employees defined by an agency head that is not designed to provide an individual-employee choice regarding participation in a medical expense plan. However, medical expense plans for eligible employees in any of the groups under (a) through (h) of this subsection who are covered by a collective bargaining agreement shall be implemented only by written agreement with the bargaining unit's exclusive representative and a separate medical expense plan may be provided for unrepresented employees.

(9) Medical expense plans authorized by subsection (7) of this section must require as a condition of participation in the plan that employees in the group affected by the plan sign an agreement with the employer. The agreement must include a provision to hold the employer harmless should the United States government find that the employer or the employee is in debt to the United States as a result of the employee not paying income taxes due on the equivalent funds placed into the plan, or as a result of the employer not withholding or deducting a tax, assessment, or other payment on the funds as required by federal law. The agreement must also include a provision that requires an eligible employee to forfeit remuneration under subsection (3) of this section if the employee belongs to a group that has been designated to participate in the medical expense plan permitted under this section and the employee refuses to execute the required agreement.

**Sec. 433.** RCW 41.04.385 and 2006 c 265 s 201 are each amended to read as follows:

The legislature finds that (1) demographic, economic, and social trends underlie a critical and increasing demand for child care in the state of Washington; (2) working parents and their children benefit when the employees' child care needs have been resolved; (3) the state of Washington should serve as a model employer by creating a supportive atmosphere, to the extent feasible, in which its employees may meet their child care needs; and (4) the state of Washington should encourage the development of partnerships between state

agencies, state employees, state employee labor organizations, and private employers to expand the availability of affordable quality child care. The legislature finds further that resolving employee child care concerns not only benefits the employees and their children, but may benefit the employer by reducing absenteeism, increasing employee productivity, improving morale, and enhancing the employer's position in recruiting and retaining employees. Therefore, the legislature declares that it is the policy of the state of Washington to assist state employees by creating a supportive atmosphere in which they may meet their child care needs. Policies and procedures for state agencies to address employee child care needs will be the responsibility of the director of ~~((personnel))~~ enterprise services in consultation with the director of the department of early learning and state employee representatives.

**Sec. 434.** RCW 41.04.395 and 1994 sp.s. c 9 s 801 are each amended to read as follows:

(1) The disability accommodation revolving fund is created in the custody of the state treasurer. Disbursements from the fund shall be on authorization of the director of ~~((the department of personnel))~~ financial management or the director's designee. The fund is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements. The fund shall be used exclusively by state agencies to accommodate the unanticipated job site or equipment needs of persons of disability in state employ.

(2) The director of ~~((the department of personnel))~~ financial management or the director's designee shall consult with the governor's committee on disability issues and employment regarding requests for disbursements from the disability accommodation revolving fund. The department shall establish application procedures, adopt criteria, and provide technical assistance to users of the fund.

(3) Agencies that receive moneys from the disability accommodation revolving fund shall return to the fund the amount received from the fund by no later than the end of the first month of the following fiscal biennium.

**Sec. 435.** RCW 41.04.665 and 2010 1st sp.s. c 32 s 10 and 2010 c 168 s 1 are each reenacted and amended to read as follows:

(1) An agency head may permit an employee to receive leave under this section if:

(a)(i) The employee suffers from, or has a relative or household member suffering from, an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature;

(ii) The employee has been called to service in the uniformed services;

(iii) A state of emergency has been declared anywhere within the United States by the federal or any state government and the employee has needed skills to assist in responding to the emergency or its aftermath and volunteers his or her services to either a governmental agency or to a nonprofit organization engaged in humanitarian relief in the devastated area, and the governmental agency or nonprofit organization accepts the employee's offer of volunteer services;

(iv) The employee is a victim of domestic violence, sexual assault, or stalking; or

(v) During the 2009-2011 fiscal biennium only, the employee is eligible to use leave in lieu of temporary layoff under section 3(5), chapter 32, Laws of 2010 1st sp. sess.;

(b) The illness, injury, impairment, condition, call to service, emergency volunteer service, or consequence of domestic violence, sexual assault, temporary layoff under section 3(5), chapter 32, Laws of 2010 1st sp. sess., or stalking has caused, or is likely to cause, the employee to:

(i) Go on leave without pay status; or

(ii) Terminate state employment;

(c) The employee's absence and the use of shared leave are justified;

(d) The employee has depleted or will shortly deplete his or her:

(i) Annual leave and sick leave reserves if he or she qualifies under (a)(i) of this subsection;

(ii) Annual leave and paid military leave allowed under RCW 38.40.060 if he or she qualifies under (a)(ii) of this subsection; or

(iii) Annual leave if he or she qualifies under (a)(iii), (iv), or (v) of this subsection;

(e) The employee has abided by agency rules regarding:

(i) Sick leave use if he or she qualifies under (a)(i) or (iv) of this subsection;

or

(ii) Military leave if he or she qualifies under (a)(ii) of this subsection; and

(f) The employee has diligently pursued and been found to be ineligible for benefits under chapter 51.32 RCW if he or she qualifies under (a)(i) of this subsection.

(2) The agency head shall determine the amount of leave, if any, which an employee may receive under this section. However, an employee shall not receive a total of more than five hundred twenty-two days of leave, except that, a supervisor may authorize leave in excess of five hundred twenty-two days in extraordinary circumstances for an employee qualifying for the shared leave program because he or she is suffering from an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature. Shared leave received under the uniformed service shared leave pool in RCW 41.04.685 is not included in this total.

(3) An employee may transfer annual leave, sick leave, and his or her personal holiday, as follows:

(a) An employee who has an accrued annual leave balance of more than ten days may request that the head of the agency for which the employee works transfer a specified amount of annual leave to another employee authorized to receive leave under subsection (1) of this section. In no event may the employee request a transfer of an amount of leave that would result in his or her annual leave account going below ten days. For purposes of this subsection (3)(a), annual leave does not accrue if the employee receives compensation in lieu of accumulating a balance of annual leave.

(b) An employee may transfer a specified amount of sick leave to an employee requesting shared leave only when the donating employee retains a minimum of one hundred seventy-six hours of sick leave after the transfer.

(c) An employee may transfer, under the provisions of this section relating to the transfer of leave, all or part of his or her personal holiday, as that term is defined under RCW 1.16.050, or as such holidays are provided to employees by

agreement with a school district's board of directors if the leave transferred under this subsection does not exceed the amount of time provided for personal holidays under RCW 1.16.050.

(4) An employee of an institution of higher education under RCW 28B.10.016, school district, or educational service district who does not accrue annual leave but does accrue sick leave and who has an accrued sick leave balance of more than twenty-two days may request that the head of the agency for which the employee works transfer a specified amount of sick leave to another employee authorized to receive leave under subsection (1) of this section. In no event may such an employee request a transfer that would result in his or her sick leave account going below twenty-two days. Transfers of sick leave under this subsection are limited to transfers from employees who do not accrue annual leave. Under this subsection, "sick leave" also includes leave accrued pursuant to RCW 28A.400.300(2) or 28A.310.240(1) with compensation for illness, injury, and emergencies.

(5) Transfers of leave made by an agency head under subsections (3) and (4) of this section shall not exceed the requested amount.

(6) Leave transferred under this section may be transferred from employees of one agency to an employee of the same agency or, with the approval of the heads of both agencies, to an employee of another state agency.

(7) While an employee is on leave transferred under this section, he or she shall continue to be classified as a state employee and shall receive the same treatment in respect to salary, wages, and employee benefits as the employee would normally receive if using accrued annual leave or sick leave.

(a) All salary and wage payments made to employees while on leave transferred under this section shall be made by the agency employing the person receiving the leave. The value of leave transferred shall be based upon the leave value of the person receiving the leave.

(b) In the case of leave transferred by an employee of one agency to an employee of another agency, the agencies involved shall arrange for the transfer of funds and credit for the appropriate value of leave.

(i) Pursuant to rules adopted by the office of financial management, funds shall not be transferred under this section if the transfer would violate any constitutional or statutory restrictions on the funds being transferred.

(ii) The office of financial management may adjust the appropriation authority of an agency receiving funds under this section only if and to the extent that the agency's existing appropriation authority would prevent it from expending the funds received.

(iii) Where any questions arise in the transfer of funds or the adjustment of appropriation authority, the director of financial management shall determine the appropriate transfer or adjustment.

(8) Leave transferred under this section shall not be used in any calculation to determine an agency's allocation of full time equivalent staff positions.

(9) The value of any leave transferred under this section which remains unused shall be returned at its original value to the employee or employees who transferred the leave when the agency head finds that the leave is no longer needed or will not be needed at a future time in connection with the illness or injury for which the leave was transferred or for any other qualifying condition. Before the agency head makes a determination to return unused leave in

connection with an illness or injury, or any other qualifying condition, he or she must receive from the affected employee a statement from the employee's doctor verifying that the illness or injury is resolved. To the extent administratively feasible, the value of unused leave which was transferred by more than one employee shall be returned on a pro rata basis.

(10) An employee who uses leave that is transferred to him or her under this section may not be required to repay the value of the leave that he or she used.

(11) The human resources director (~~(of personnel)~~) may adopt rules as necessary to implement subsection (2)(~~(a) through (e)~~) of this section.

**Sec. 436.** RCW 41.04.670 and 1993 c 281 s 18 are each amended to read as follows:

The (~~Washington personnel resources board~~) office of financial management and other personnel authorities shall each adopt rules applicable to employees under their respective jurisdictions: (1) Establishing appropriate parameters for the program which are consistent with the provisions of RCW 41.04.650 through 41.04.665; (2) providing for equivalent treatment of employees between their respective jurisdictions and allowing transfers of leave in accordance with RCW 41.04.665(5); (3) establishing procedures to ensure that the program does not significantly increase the cost of providing leave; and (4) providing for the administration of the program and providing for maintenance and collection of sufficient information on the program to allow a thorough legislative review.

**Sec. 437.** RCW 41.04.680 and 2006 c 356 s 1 are each amended to read as follows:

The (~~department of personnel~~) office of financial management and other personnel authorities shall adopt rules or policies governing the accumulation and use of sick leave for state agency and department employees, expressly for the establishment of a plan allowing participating employees to pool sick leave and allowing any sick leave thus pooled to be used by any participating employee who has used all of the sick leave, annual leave, and compensatory leave that has been personally accrued by him or her. Each department or agency of the state may allow employees to participate in a sick leave pool established by the (~~department of personnel~~) office of financial management and other personnel authorities.

(1) For purposes of calculating maximum sick leave that may be donated or received by any one employee, pooled sick leave:

(a) Is counted and converted in the same manner as sick leave under the Washington state leave sharing program as provided in this chapter; and

(b) Does not create a right to sick leave in addition to the amount that may be donated or received under the Washington state leave sharing program as provided in this chapter.

(2) The (~~department~~) office of financial management and other personnel authorities, except the personnel authorities for higher education institutions, shall adopt rules which provide:

(a) That employees are eligible to participate in the sick leave pool after one year of employment with the state or agency of the state if the employee has accrued a minimum amount of unused sick leave, to be established by rule;



(b) That participation in the sick leave pool shall, at all times, be voluntary on the part of the employees;

(c) That any sick leave pooled shall be removed from the personally accumulated sick leave balance of the employee contributing the leave;

(d) That any sick leave in the pool that is used by a participating employee may be used only for the employee's personal illness, accident, or injury;

(e) That a participating employee is not eligible to use sick leave accumulated in the pool until all of his or her personally accrued sick, annual, and compensatory leave has been used;

(f) A maximum number of days of sick leave in the pool that any one employee may use;

(g) That a participating employee who uses sick leave from the pool is not required to recontribute such sick leave to the pool, except as otherwise provided in this section;

(h) That an employee who cancels his or her membership in the sick leave pool is not eligible to withdraw the days of sick leave contributed by that employee to the pool;

(i) That an employee who transfers from one position in state government to another position in state government may transfer from one pool to another if the eligibility criteria of the pools are comparable and the administrators of the pools have agreed on a formula for transfer of credits;

(j) That alleged abuse of the use of the sick leave pool shall be investigated, and, on a finding of wrongdoing, the employee shall repay all of the sick leave credits drawn from the sick leave pool and shall be subject to such other disciplinary action as is determined by the agency head;

(k) That sick leave credits may be drawn from the sick leave pool by a part-time employee on a pro rata basis; and

(l) That each department or agency shall maintain accurate and reliable records showing the amount of sick leave which has been accumulated and is unused by employees, in accordance with guidelines established by the department of personnel.

(3) Personnel authorities for higher education institutions shall adopt policies consistent with the needs of the employees under their respective jurisdictions.

**Sec. 438.** RCW 41.04.685 and 2007 c 25 s 1 are each amended to read as follows:

(1) The uniformed service shared leave pool is created to allow employees to donate leave to be used as shared leave for any employee who has been called to service in the uniformed services and who meets the requirements of RCW 41.04.665. Participation in the pool shall, at all times, be voluntary on the part of the employee. The military department, in consultation with the ~~((department of personnel and the))~~ office of financial management, shall administer the uniformed service shared leave pool.

(2) Employees as defined in subsection (10) of this section who are eligible to donate leave under RCW 41.04.665 may donate leave to the uniformed service shared leave pool.

(3) An employee as defined in subsection (10) of this section who has been called to service in the uniformed services and is eligible for shared leave under

RCW 41.04.665 may request shared leave from the uniformed service shared leave pool.

(4) It shall be the responsibility of the employee who has been called to service to provide an earnings statement verifying military salary, orders of service, and notification of a change in orders of service or military salary.

(5) Shared leave under this section may not be granted unless the pool has a sufficient balance to fund the requested shared leave for the expected term of service.

(6) Shared leave paid under this section, in combination with military salary, shall not exceed the level of the employee's state monthly salary.

(7) Any leave donated shall be removed from the personally accumulated leave balance of the employee donating the leave.

(8) An employee who receives shared leave from the pool is not required to contribute such leave to the pool, except as otherwise provided in this section.

(9) Leave that may be donated or received by any one employee shall be calculated as in RCW 41.04.665.

(10) As used in this section:

(a) "Employee" has the meaning provided in RCW 41.04.655, except that "employee" as used in this section does not include employees of school districts and educational service districts.

(b) "Service in the uniformed services" has the meaning provided in RCW 41.04.655.

(c) "Military salary" includes base, specialty, and other pay, but does not include allowances such as the basic allowance for housing.

(d) "Monthly salary" includes monthly salary and special pay and shift differential, or the monthly equivalent for hourly employees. "Monthly salary" does not include:

- (i) Overtime pay;
- (ii) Call back pay;
- (iii) Standby pay; or
- (iv) Performance bonuses.

(11) The ~~((department of personnel))~~ office of financial management, in consultation with the military department ~~((and the office of financial management))~~, shall adopt rules and policies governing the donation and use of shared leave from the uniformed service shared leave pool, including definitions of pay and allowances and guidelines for agencies to use in recordkeeping concerning shared leave.

(12) Agencies shall investigate any alleged abuse of the uniformed service shared leave pool and on a finding of wrongdoing, the employee may be required to repay all of the shared leave received from the uniformed service shared leave pool.

(13) Higher education institutions shall adopt policies consistent with the needs of the employees under their respective jurisdictions.

**Sec. 439.** RCW 41.04.720 and 1990 c 60 s 303 are each amended to read as follows:

The director of ~~((human resources))~~ enterprise services shall:

(1) Administer the state employee assistance program to assist employees who have personal problems that adversely affect their job performance or have the potential of doing so;

- (2) Develop policies, procedures, and activities for the program;
- (3) Encourage and promote the voluntary use of the employee assistance program by increasing employee awareness and disseminating educational materials;
- (4) Provide technical assistance and training to agencies on how to use the employee assistance program;
- (5) Assist and encourage supervisors to identify and refer employees with problems that impair their performance by incorporating proper use of the program in management training, management performance criteria, ongoing communication with agencies, and other appropriate means;
- (6) Offer substance abuse prevention and awareness activities to be provided through the employee assistance program and the state employee wellness program;
- (7) Monitor and evaluate the effectiveness of the program, including the collection, analysis, and publication of relevant statistical information; and
- (8) Consult with state agencies, institutions of higher education, and employee organizations in carrying out the purposes of RCW 41.04.700 through 41.04.730.

**Sec. 440.** RCW 41.04.770 and 1997 c 287 s 4 are each amended to read as follows:

The department of social and health services and the department of ~~((personnel))~~ enterprise services shall, after consultation with supported employment provider associations and other interested parties, encourage, educate, and assist state agencies in implementing supported employment programs. The department of ~~((personnel))~~ enterprise services shall provide human resources technical assistance to agencies implementing supported employment programs. ~~((The department of personnel shall make available, upon request of the legislature, an annual report that evaluates the overall progress of supported employment in state government.))~~

**Sec. 441.** RCW 41.07.020 and 1979 c 151 s 62 are each amended to read as follows:

The department of ~~((personnel))~~ enterprise services is authorized to administer, maintain, and operate the central personnel-payroll system and to provide its services for any state agency designated jointly by the director of the department of ~~((personnel))~~ enterprise services and the director of financial management.

The system shall be operated through state data processing centers. State agencies shall convert personnel and payroll processing to the central personnel-payroll system as soon as administratively and technically feasible as determined by the office of financial management and the department of ~~((personnel))~~ enterprise services. It is the intent of the legislature to provide, through the central personnel-payroll system, for uniform reporting to the office of financial management and to the legislature regarding salaries and related costs, and to reduce present costs of manual procedures in personnel and payroll record keeping and reporting.

**Sec. 442.** RCW 41.07.030 and 1975 1st ex.s. c 239 s 3 are each amended to read as follows:

The costs of administering, maintaining, and operating the central personnel-payroll system shall be distributed to the using state agencies. In order to insure proper and equitable distribution of costs the department of ~~((personnel))~~ enterprise services shall utilize cost accounting procedures to identify all costs incurred in the administration, maintenance, and operation of the central personnel-payroll system. In order to facilitate proper and equitable distribution of costs to the using state agencies the department of ~~((personnel))~~ enterprise services is authorized to utilize the data processing revolving fund created by RCW 43.105.080 (as recodified by this act) and the ~~((department of))~~ personnel service fund created by RCW 41.06.280.

**Sec. 443.** RCW 41.60.015 and 2000 c 139 s 1 are each amended to read as follows:

(1) There is hereby created the productivity board, which may also be known as the employee involvement and recognition board. The board shall administer the employee suggestion program and the teamwork incentive program under this chapter.

(2) The board shall be composed of:

(a) The secretary of state who shall act as chairperson;

~~((b))~~ ~~((The director of personnel appointed under the provisions of RCW 41.06.130 or the director's designee;~~

~~((c))~~ ~~((The director of financial management or the director's designee;~~

~~((d))~~ (c) The director of ~~((general administration))~~ enterprise services or the director's designee;

~~((e))~~ (d) Three persons with experience in administering incentives such as those used by industry, with the governor, lieutenant governor, and speaker of the house of representatives each appointing one person. The governor's appointee shall be a representative of an employee organization certified as an exclusive representative of at least one bargaining unit of classified employees;

~~((f))~~ (e) Two persons representing state agencies and institutions with employees subject to chapter 41.06 RCW, and one person representing those subject to chapter 28B.16 RCW, both appointed by the governor; and

~~((g))~~ (f) In addition, the governor and board chairperson may jointly appoint persons to the board on an ad hoc basis. Ad hoc members shall serve in an advisory capacity and shall not have the right to vote.

Members under subsection (2)~~((e))~~(d) and ~~((f))~~ (e) of this section shall be appointed to serve three-year terms.

Members of the board appointed pursuant to subsection (2)~~((e))~~(d) of this section may be compensated in accordance with RCW 43.03.240. Any board member who is not a state employee may be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

**Sec. 444.** RCW 41.80.005 and 2002 c 354 s 321 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Agency" means any agency as defined in RCW 41.06.020 and covered by chapter 41.06 RCW.

(2) "Collective bargaining" means the performance of the mutual obligation of the representatives of the employer and the exclusive bargaining

representative to meet at reasonable times and to bargain in good faith in an effort to reach agreement with respect to the subjects of bargaining specified under RCW 41.80.020. The obligation to bargain does not compel either party to agree to a proposal or to make a concession, except as otherwise provided in this chapter.

(3) "Commission" means the public employment relations commission.

(4) "Confidential employee" means an employee who, in the regular course of his or her duties, assists in a confidential capacity persons who formulate, determine, and effectuate management policies with regard to labor relations or who, in the regular course of his or her duties, has authorized access to information relating to the effectuation or review of the employer's collective bargaining policies, or who assists or aids a manager. "Confidential employee" also includes employees who assist assistant attorneys general who advise and represent managers or confidential employees in personnel or labor relations matters, or who advise or represent the state in tort actions.

(5) "Director" means the director of the public employment relations commission.

(6) "Employee" means any employee, including employees whose work has ceased in connection with the pursuit of lawful activities protected by this chapter, covered by chapter 41.06 RCW, except:

(a) Employees covered for collective bargaining by chapter 41.56 RCW;

(b) Confidential employees;

(c) Members of the Washington management service;

(d) Internal auditors in any agency; or

(e) Any employee of the commission, the office of financial management, ~~((or the department of personnel))~~ or the office of risk management within the department of enterprise services.

(7) "Employee organization" means any organization, union, or association in which employees participate and that exists for the purpose, in whole or in part, of collective bargaining with employers.

(8) "Employer" means the state of Washington.

(9) "Exclusive bargaining representative" means any employee organization that has been certified under this chapter as the representative of the employees in an appropriate bargaining unit.

(10) "Institutions of higher education" means the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, and the various state community colleges.

(11) "Labor dispute" means any controversy concerning terms, tenure, or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment with respect to the subjects of bargaining provided in this chapter, regardless of whether the disputants stand in the proximate relation of employer and employee.

(12) "Manager" means "manager" as defined in RCW 41.06.022.

(13) "Supervisor" means an employee who has authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, direct, reward, or discipline employees, or to adjust employee grievances, or effectively to recommend such action, if the exercise of the authority is not of a

merely routine nature but requires the consistent exercise of individual judgment. However, no employee who is a member of the Washington management service may be included in a collective bargaining unit established under this section.

(14) "Unfair labor practice" means any unfair labor practice listed in RCW 41.80.110.

**Sec. 445.** RCW 41.80.020 and 2010 c 283 s 16 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, the matters subject to bargaining include wages, hours, and other terms and conditions of employment, and the negotiation of any question arising under a collective bargaining agreement.

(2) The employer is not required to bargain over matters pertaining to:

(a) Health care benefits or other employee insurance benefits, except as required in subsection (3) of this section;

(b) Any retirement system or retirement benefit; or

(c) Rules of the human resources director (~~(of personnel)~~), the director of enterprise services, or the Washington personnel resources board adopted under ~~((section 203, chapter 354, Laws of 2002))~~ section 411 of this act.

(3) Matters subject to bargaining include the number of names to be certified for vacancies, promotional preferences, and the dollar amount expended on behalf of each employee for health care benefits. However, except as provided otherwise in this subsection for institutions of higher education, negotiations regarding the number of names to be certified for vacancies, promotional preferences, and the dollar amount expended on behalf of each employee for health care benefits shall be conducted between the employer and one coalition of all the exclusive bargaining representatives subject to this chapter. The exclusive bargaining representatives for employees that are subject to chapter 47.64 RCW shall bargain the dollar amount expended on behalf of each employee for health care benefits with the employer as part of the coalition under this subsection. Any such provision agreed to by the employer and the coalition shall be included in all master collective bargaining agreements negotiated by the parties. For institutions of higher education, promotional preferences and the number of names to be certified for vacancies shall be bargained under the provisions of RCW 41.80.010(4).

(4) The employer and the exclusive bargaining representative shall not agree to any proposal that would prevent the implementation of approved affirmative action plans or that would be inconsistent with the comparable worth agreement that provided the basis for the salary changes implemented beginning with the 1983-1985 biennium to achieve comparable worth.

(5) The employer and the exclusive bargaining representative shall not bargain over matters pertaining to management rights established in RCW 41.80.040.

(6) Except as otherwise provided in this chapter, if a conflict exists between an executive order, administrative rule, or agency policy relating to wages, hours, and terms and conditions of employment and a collective bargaining agreement negotiated under this chapter, the collective bargaining agreement shall prevail. A provision of a collective bargaining agreement that conflicts with the terms of a statute is invalid and unenforceable.

(7) This section does not prohibit bargaining that affects contracts authorized by RCW 41.06.142.

**Sec. 446.** RCW 42.16.010 and 2008 c 186 s 1 are each amended to read as follows:

(1) Except as provided otherwise in subsections (2) and (3) of this section, all state officers and employees shall be paid for services rendered from the first day of the month through the fifteenth day of the month and for services rendered from the sixteenth day of the month through the last calendar day of the month. Paydates for these two pay periods shall be established by the director of financial management through the administrative hearing process and the official paydates shall be established six months prior to the beginning of each subsequent calendar year. Under no circumstance shall the paydate be established more than ten days after the pay period in which the wages are earned except when the designated paydate falls on Sunday, in which case the paydate shall not be later than the following Monday. Payment shall be deemed to have been made by the established paydates if: (a) The salary warrant is available at the geographic work location at which the warrant is normally available to the employee; or (b) the salary has been electronically transferred into the employee's account at the employee's designated financial institution; or (c) the salary warrants are mailed at least two days before the established paydate for those employees engaged in work in remote or varying locations from the geographic location at which the payroll is prepared, provided that the employee has requested payment by mail.

The office of financial management shall develop the necessary policies and operating procedures to assure that all remuneration for services rendered including basic salary, shift differential, standby pay, overtime, penalty pay, salary due based on contractual agreements, and special pay provisions, as provided for by law, (~~Washington personnel resources board rules,~~) agency policy or rule, or contract, shall be available to the employee on the designated paydate. Overtime, penalty pay, and special pay provisions may be paid by the next following paydate if the postponement of payment is attributable to: The employee's not making a timely or accurate report of the facts which are the basis for the payment, or the employer's lack of reasonable opportunity to verify the claim.

Compensable benefits payable because of separation from state service shall be paid with the earnings for the final period worked unless the employee separating has not provided the agency with the proper notification of intent to terminate.

One-half of the employee's basic monthly salary shall be paid in each pay period. Employees paid on an hourly basis or employees who work less than a full pay period shall be paid for actual salary earned.

(2) Subsection (1) of this section shall not apply in instances where it would conflict with contractual rights or, with the approval of the office of financial management, to short-term, intermittent, noncareer state employees, to student employees of institutions of higher education, to national or state guard members participating in state active duty, and to liquor control agency managers who are paid a percentage of monthly liquor sales.

(3) When a national or state guard member is called to participate in state active duty, the paydate shall be no more than seven days following completion

of duty or the end of the pay period, whichever is first. When the seventh day falls on Sunday, the payday shall not be later than the following Monday. This subsection shall apply only to the pay a national or state guard member receives from the military department for state active duty.

(4) Notwithstanding subsections (1) and (2) of this section, a bargained contract at an institution of higher education may include a provision for paying part-time academic employees on a pay schedule that coincides with all the paydays used for full-time academic employees.

**Sec. 447.** RCW 42.17.370 and 2010 1st sp.s. c 7 s 4 are each amended to read as follows:

The commission is empowered to:

(1) Adopt, promulgate, amend, and rescind suitable administrative rules to carry out the policies and purposes of this chapter, which rules shall be adopted under chapter 34.05 RCW. Any rule relating to campaign finance, political advertising, or related forms that would otherwise take effect after June 30th of a general election year shall take effect no earlier than the day following the general election in that year;

(2) Appoint and set, within the limits established by the (~~department of personnel~~) office of financial management under RCW 43.03.028, the compensation of an executive director who shall perform such duties and have such powers as the commission may prescribe and delegate to implement and enforce this chapter efficiently and effectively. The commission shall not delegate its authority to adopt, amend, or rescind rules nor shall it delegate authority to determine whether an actual violation of this chapter has occurred or to assess penalties for such violations;

(3) Prepare and publish such reports and technical studies as in its judgment will tend to promote the purposes of this chapter, including reports and statistics concerning campaign financing, lobbying, financial interests of elected officials, and enforcement of this chapter;

(4) Make from time to time, on its own motion, audits and field investigations;

(5) Make public the time and date of any formal hearing set to determine whether a violation has occurred, the question or questions to be considered, and the results thereof;

(6) Administer oaths and affirmations, issue subpoenas, and compel attendance, take evidence and require the production of any books, papers, correspondence, memorandums, or other records relevant or material for the purpose of any investigation authorized under this chapter, or any other proceeding under this chapter;

(7) Adopt and promulgate a code of fair campaign practices;

(8) Relieve, by rule, candidates or political committees of obligations to comply with the provisions of this chapter relating to election campaigns, if they have not received contributions nor made expenditures in connection with any election campaign of more than one thousand dollars;

(9) Adopt rules prescribing reasonable requirements for keeping accounts of and reporting on a quarterly basis costs incurred by state agencies, counties, cities, and other municipalities and political subdivisions in preparing, publishing, and distributing legislative information. The term "legislative information," for the purposes of this subsection, means books, pamphlets,



reports, and other materials prepared, published, or distributed at substantial cost, a substantial purpose of which is to influence the passage or defeat of any legislation. The state auditor in his or her regular examination of each agency under chapter 43.09 RCW shall review the rules, accounts, and reports and make appropriate findings, comments, and recommendations in his or her examination reports concerning those agencies;

(10) After hearing, by order approved and ratified by a majority of the membership of the commission, suspend or modify any of the reporting requirements of this chapter in a particular case if it finds that literal application of this chapter works a manifestly unreasonable hardship and if it also finds that the suspension or modification will not frustrate the purposes of the chapter. The commission shall find that a manifestly unreasonable hardship exists if reporting the name of an entity required to be reported under RCW 42.17.241(1)(g)(ii) would be likely to adversely affect the competitive position of any entity in which the person filing the report or any member of his or her immediate family holds any office, directorship, general partnership interest, or an ownership interest of ten percent or more. Any suspension or modification shall be only to the extent necessary to substantially relieve the hardship. The commission shall act to suspend or modify any reporting requirements only if it determines that facts exist that are clear and convincing proof of the findings required under this section. Requests for renewals of reporting modifications may be heard in a brief adjudicative proceeding as set forth in RCW 34.05.482 through 34.05.494 and in accordance with the standards established in this section. No initial request may be heard in a brief adjudicative proceeding and no request for renewal may be heard in a brief adjudicative proceeding if the initial request was granted more than three years previously or if the applicant is holding an office or position of employment different from the office or position held when the initial request was granted. The commission shall adopt administrative rules governing the proceedings. Any citizen has standing to bring an action in Thurston county superior court to contest the propriety of any order entered under this section within one year from the date of the entry of the order; ~~(and)~~)

(11) Revise, at least once every five years but no more often than every two years, the monetary reporting thresholds and reporting code values of this chapter. The revisions shall be only for the purpose of recognizing economic changes as reflected by an inflationary index recommended by the office of financial management. The revisions shall be guided by the change in the index for the period commencing with the month of December preceding the last revision and concluding with the month of December preceding the month the revision is adopted. As to each of the three general categories of this chapter (reports of campaign finance, reports of lobbyist activity, and reports of the financial affairs of elected and appointed officials), the revisions shall equally affect all thresholds within each category. Revisions shall be adopted as rules under chapter 34.05 RCW. The first revision authorized by this subsection shall reflect economic changes from the time of the last legislative enactment affecting the respective code or threshold through December 1985; and

(12) Develop and provide to filers a system for certification of reports required under this chapter which are transmitted by facsimile or electronically to the commission. Implementation of the program is contingent on the availability of funds.

**Sec. 448.** RCW 42.17A.110 and 2010 1st sp.s. c 7 s 4 and 2010 c 204 s 303 are each reenacted and amended to read as follows:

The commission is empowered to:

(1) Adopt, promulgate, amend, and rescind suitable administrative rules to carry out the policies and purposes of this chapter, which rules shall be adopted under chapter 34.05 RCW. Any rule relating to campaign finance, political advertising, or related forms that would otherwise take effect after June 30th of a general election year shall take effect no earlier than the day following the general election in that year;

(2) Appoint and set, within the limits established by the (~~committee on agency officials' salaries~~) office of financial management under RCW 43.03.028, the compensation of an executive director who shall perform such duties and have such powers as the commission may prescribe and delegate to implement and enforce this chapter efficiently and effectively. The commission shall not delegate its authority to adopt, amend, or rescind rules nor shall it delegate authority to determine whether an actual violation of this chapter has occurred or to assess penalties for such violations;

(3) Prepare and publish such reports and technical studies as in its judgment will tend to promote the purposes of this chapter, including reports and statistics concerning campaign financing, lobbying, financial interests of elected officials, and enforcement of this chapter;

(4) Make from time to time, on its own motion, audits and field investigations;

(5) Make public the time and date of any formal hearing set to determine whether a violation has occurred, the question or questions to be considered, and the results thereof;

(6) Administer oaths and affirmations, issue subpoenas, and compel attendance, take evidence and require the production of any books, papers, correspondence, memorandums, or other records relevant or material for the purpose of any investigation authorized under this chapter, or any other proceeding under this chapter;

(7) Adopt and promulgate a code of fair campaign practices;

(8) Relieve, by rule, candidates or political committees of obligations to comply with the provisions of this chapter relating to election campaigns, if they have not received contributions nor made expenditures in connection with any election campaign of more than one thousand dollars;

(9) Adopt rules prescribing reasonable requirements for keeping accounts of and reporting on a quarterly basis costs incurred by state agencies, counties, cities, and other municipalities and political subdivisions in preparing, publishing, and distributing legislative information. The term "legislative information," for the purposes of this subsection, means books, pamphlets, reports, and other materials prepared, published, or distributed at substantial cost, a substantial purpose of which is to influence the passage or defeat of any legislation. The state auditor in his or her regular examination of each agency under chapter 43.09 RCW shall review the rules, accounts, and reports and make appropriate findings, comments, and recommendations in his or her examination reports concerning those agencies;

(10) After hearing, by order approved and ratified by a majority of the membership of the commission, suspend or modify any of the reporting

requirements of this chapter in a particular case if it finds that literal application of this chapter works a manifestly unreasonable hardship and if it also finds that the suspension or modification will not frustrate the purposes of the chapter. The commission shall find that a manifestly unreasonable hardship exists if reporting the name of an entity required to be reported under RCW 42.17.241(1)(g)(ii) would be likely to adversely affect the competitive position of any entity in which the person filing the report or any member of his or her immediate family holds any office, directorship, general partnership interest, or an ownership interest of ten percent or more. Any suspension or modification shall be only to the extent necessary to substantially relieve the hardship. The commission shall act to suspend or modify any reporting requirements only if it determines that facts exist that are clear and convincing proof of the findings required under this section. Requests for renewals of reporting modifications may be heard in a brief adjudicative proceeding as set forth in RCW 34.05.482 through 34.05.494 and in accordance with the standards established in this section. No initial request may be heard in a brief adjudicative proceeding and no request for renewal may be heard in a brief adjudicative proceeding if the initial request was granted more than three years previously or if the applicant is holding an office or position of employment different from the office or position held when the initial request was granted. The commission shall adopt administrative rules governing the proceedings. Any citizen has standing to bring an action in Thurston county superior court to contest the propriety of any order entered under this section within one year from the date of the entry of the order; and

(11) Revise, at least once every five years but no more often than every two years, the monetary reporting thresholds and reporting code values of this chapter. The revisions shall be only for the purpose of recognizing economic changes as reflected by an inflationary index recommended by the office of financial management. The revisions shall be guided by the change in the index for the period commencing with the month of December preceding the last revision and concluding with the month of December preceding the month the revision is adopted. As to each of the three general categories of this chapter (reports of campaign finance, reports of lobbyist activity, and reports of the financial affairs of elected and appointed officials), the revisions shall equally affect all thresholds within each category. Revisions shall be adopted as rules under chapter 34.05 RCW. The first revision authorized by this subsection shall reflect economic changes from the time of the last legislative enactment affecting the respective code or threshold through December 1985;

(12) Develop and provide to filers a system for certification of reports required under this chapter which are transmitted by facsimile or electronically to the commission. Implementation of the program is contingent on the availability of funds.

**Sec. 449.** RCW 43.01.040 and 2009 c 549 s 5001 are each amended to read as follows:

Each subordinate officer and employee of the several offices, departments, and institutions of the state government shall be entitled under their contract of employment with the state government to not less than one working day of vacation leave with full pay for each month of employment if said employment is continuous for six months.

Each such subordinate officer and employee shall be entitled under such contract of employment to not less than one additional working day of vacation with full pay each year for satisfactorily completing the first two, three and five continuous years of employment respectively.

Such part time officers or employees of the state government who are employed on a regular schedule of duration of not less than one year shall be entitled under their contract of employment to that fractional part of the vacation leave that the total number of hours of such employment bears to the total number of hours of full time employment.

Each subordinate officer and employee of the several offices, departments and institutions of the state government shall be entitled under his or her contract of employment with the state government to accrue unused vacation leave not to exceed thirty working days. Officers and employees transferring within the several offices, departments and institutions of the state government shall be entitled to transfer such accrued vacation leave to each succeeding state office, department or institution. All vacation leave shall be taken at the time convenient to the employing office, department or institution: PROVIDED, That if a subordinate officer's or employee's request for vacation leave is deferred by reason of the convenience of the employing office, department or institution, and a statement of the necessity therefor is ~~((filed by such employing office, department or institution with the appropriate personnel board or other state agency or officer))~~ retained by the agency, then the aforesaid maximum thirty working days of accrued unused vacation leave shall be extended for each month said leave is so deferred.

**Sec. 450.** RCW 43.01.135 and 2007 c 76 s 2 are each amended to read as follows:

Agencies as defined in RCW 41.06.020, except for institutions of higher education, shall:

(1) Update or develop and disseminate among all agency employees and contractors a policy that:

(a) Defines and prohibits sexual harassment in the workplace;

(b) Includes procedures that describe how the agency will address concerns of employees who are affected by sexual harassment in the workplace;

(c) Identifies appropriate sanctions and disciplinary actions; and

(d) Complies with guidelines adopted by the director of personnel under RCW 41.06.395;

(2) Respond promptly and effectively to sexual harassment concerns;

(3) Conduct training and education for all employees in order to prevent and eliminate sexual harassment in the organization;

(4) Inform employees of their right to file a complaint with the Washington state human rights commission under chapter 49.60 RCW, or with the federal equal employment opportunity commission under Title VII of the civil rights act of 1964; and

(5) Report to the department of ~~((personnel))~~ enterprise services on compliance with this section.

The cost of the training programs shall be borne by state agencies within existing resources.

**Sec. 451.** RCW 43.03.028 and 2010 1st sp.s. c 7 s 2 are each amended to read as follows:

(1) The ~~((department of personnel))~~ office of financial management shall study the duties and salaries of the directors of the several departments and the members of the several boards and commissions of state government, who are subject to appointment by the governor or whose salaries are fixed by the governor, and of the chief executive officers of the following agencies of state government:

The arts commission; the human rights commission; the board of accountancy; ~~((the board of pharmacy;))~~ the eastern Washington historical society; the Washington state historical society; the recreation and conservation office; the criminal justice training commission; ~~((the department of personnel; the state library;))~~ the traffic safety commission; the horse racing commission; ~~((the advisory council on vocational education;))~~ the public disclosure commission; the state conservation commission; the commission on Hispanic affairs; the commission on Asian Pacific American affairs; the state board for volunteer firefighters and reserve officers; the transportation improvement board; the public employment relations commission; ~~((the forest practices appeals board;))~~ and the energy facilities site evaluation council.

(2) The ~~((department of personnel))~~ office of financial management shall report to the governor or the chairperson of the appropriate salary fixing authority at least once in each fiscal biennium on such date as the governor may designate, but not later than seventy-five days prior to the convening of each regular session of the legislature during an odd-numbered year, its recommendations for the salaries to be fixed for each position.

**Sec. 452.** RCW 43.03.120 and 2009 c 549 s 5009 are each amended to read as follows:

Any state office, commission, department or institution may also pay the moving expenses of a new employee, necessitated by his or her acceptance of state employment, pursuant to mutual agreement with such employee in advance of his or her employment ~~((: PROVIDED, That if such employee is in the classified service as defined in chapter 41.06 RCW, that said employee has been duly certified from an eligible register. No such offer or agreement for such payment shall be made to a prospective member of the classified service, prior to such certification, except through appropriate public announcement by the department of personnel, or other corresponding personnel agency as provided by chapter 41.06 RCW)).~~ Payment for all expenses authorized by RCW 43.03.060, 43.03.110 through 43.03.210 including moving expenses of new employees, exempt or classified, and others, shall be subject to reasonable ~~((regulations promulgated))~~ rules adopted by the director of financial management, including regulations defining allowable moving costs: PROVIDED, That, if the new employee terminates or causes termination of his or her employment with the state within one year of the date of employment, the state shall be entitled to reimbursement for the moving costs which have been paid and may withhold such sum as necessary therefor from any amounts due the employee.

**Sec. 453.** RCW 43.03.130 and 2000 c 153 s 1 are each amended to read as follows:

Any state office, commission, department or institution may agree to pay the travel expenses of a prospective employee as an inducement for such applicant to travel to a designated place to be interviewed by and for the convenience of such agency(~~(- PROVIDED, That if such employment is to be in the classified service, such offer may be made only on the express authorization of the state department of personnel, or other corresponding personnel agency as provided by chapter 41.06 RCW, to applicants reporting for a merit system examination or to applicants from an eligible register reporting for a pre-employment interview)~~). Travel expenses authorized for prospective employees called for interviews shall be payable at rates in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. When an applicant is called to be interviewed by or on behalf of more than one agency, the authorized travel expenses may be paid directly by the authorizing personnel department or agency, subject to reimbursement from the interviewing agencies on a pro rata basis.

In the case of both classified and exempt positions, such travel expenses will be paid only for applicants being considered for the positions of director, deputy director, assistant director, or supervisor of state departments, boards or commissions; or equivalent or higher positions; or engineers, or other personnel having both executive and professional status. In the case of the state investment board, such travel expenses may also be paid for applicants being considered for investment officer positions. In the case of four-year institutions of higher education, such travel expenses will be paid only for applicants being considered for academic positions above the rank of instructor or professional or administrative employees in supervisory positions. In the case of community and technical colleges, such travel expenses may be paid for applicants being considered for full-time faculty positions or administrative employees in supervisory positions.

**Sec. 454.** RCW 43.06.013 and 2006 c 45 s 1 are each amended to read as follows:

When requested by the governor or the director of the department of ~~((personnel))~~ enterprise services, nonconviction criminal history fingerprint record checks shall be conducted through the Washington state patrol identification and criminal history section and the federal bureau of investigation on applicants for agency head positions appointed by the governor. Information received pursuant to this section shall be confidential and made available only to the governor or director of the department of personnel or their employees directly involved in the selection, hiring, or background investigation of the subject of the record check. When necessary, applicants may be employed on a conditional basis pending completion of the criminal history record check. "Agency head" as used in this section has the same definition as provided in RCW 34.05.010.

**Sec. 455.** RCW 43.06.410 and 1993 c 281 s 47 are each amended to read as follows:

There is established within the office of the governor the Washington state internship program to assist students and state employees in gaining valuable experience and knowledge in various areas of state government. In administering the program, the governor shall:

(1) Consult with the secretary of state, the director of ~~((personnel))~~ enterprise services, the commissioner of the employment security department, and representatives of labor;

(2) Encourage and assist agencies in developing intern positions;

(3) Develop and coordinate a selection process for placing individuals in intern positions. This selection process shall give due regard to the responsibilities of the state to provide equal employment opportunities;

(4) Develop and coordinate a training component of the internship program which balances the need for training and exposure to new ideas with the intern's and agency's need for on-the-job work experience;

(5) Work with institutions of higher education in developing the program, soliciting qualified applicants, and selecting participants; and

(6) Develop guidelines for compensation of the participants.

**Sec. 456.** RCW 43.06.425 and 2002 c 354 s 229 are each amended to read as follows:

The director of ~~((personnel))~~ financial management or the director's designee shall adopt rules to provide that:

(1) Successful completion of an internship under RCW 43.06.420 shall be considered as employment experience at the level at which the intern was placed;

(2) Persons leaving classified or exempt positions in state government in order to take an internship under RCW 43.06.420: (a) Have the right of reversion to the previous position at any time during the internship or upon completion of the internship; and (b) shall continue to receive all fringe benefits as if they had never left their classified or exempt positions;

(3) Participants in the undergraduate internship program who were not public employees prior to accepting a position in the program receive sick leave allowances commensurate with other state employees;

(4) Participants in the executive fellows program who were not public employees prior to accepting a position in the program receive sick and vacation leave allowances commensurate with other state employees.

**Sec. 457.** RCW 43.33A.100 and 2008 c 236 s 1 are each amended to read as follows:

The state investment board shall maintain appropriate offices and employ such personnel as may be necessary to perform its duties. Employment by the investment board shall include but not be limited to an executive director, investment officers, and a confidential secretary, which positions are exempt from classified service under chapter 41.06 RCW. Employment of the executive director by the board shall be for a term of three years, and such employment shall be subject to confirmation of the state finance committee: PROVIDED, That nothing shall prevent the board from dismissing the director for cause before the expiration of the term nor shall anything prohibit the board, with the confirmation of the state finance committee, from employing the same individual as director in succeeding terms. Compensation levels for the executive director, a confidential secretary, and all investment officers, including the deputy director for investment management, employed by the investment board shall be established by the state investment board. The investment board is authorized to maintain a retention pool within the state investment board

expense account under RCW 43.33A.160, from the earnings of the funds managed by the board, pursuant to a performance management and compensation program developed by the investment board, in order to address recruitment and retention problems and to reward performance. The compensation levels and incentive compensation for investment officers shall be limited to the average of total compensation provided by state or other public funds of similar size, based upon a biennial survey conducted by the investment board, with review and comment by the joint legislative audit and review committee. However, in any fiscal year the incentive compensation granted by the investment board from the retention pool to investment officers pursuant to this section may not exceed thirty percent. Disbursements from the retention pool shall be from legislative appropriations and shall be on authorization of the board's executive director or the director's designee.

The investment board shall provide notice to ~~((the director of the department of personnel,))~~ the director of financial management~~((;))~~ and the chairs of the house of representatives and senate fiscal committees of proposed changes to the compensation levels for the positions. The notice shall be provided not less than sixty days prior to the effective date of the proposed changes.

As of July 1, 1981, all employees classified under chapter 41.06 RCW and engaged in duties assumed by the state investment board on July 1, 1981, are assigned to the state investment board. The transfer shall not diminish any rights granted these employees under chapter 41.06 RCW nor exempt the employees from any action which may occur thereafter in accordance with chapter 41.06 RCW.

All existing contracts and obligations pertaining to the functions transferred to the state investment board in chapter 3, Laws of 1981 shall remain in full force and effect, and shall be performed by the board. None of the transfers directed by chapter 3, Laws of 1981 shall affect the validity of any act performed by a state entity or by any official or employee thereof prior to July 1, 1981.

**Sec. 458.** RCW 43.130.060 and 1973 2nd ex.s. c 37 s 6 are each amended to read as follows:

In order to reimburse the public employees' retirement system for any increased costs occasioned by the provisions of this chapter which affect the retirement system, the ~~((public employees' retirement board))~~ director of retirement systems shall, within thirty days of the date upon which any affected employee elects to take advantage of the retirement provisions of this chapter, determine the increased present and future cost to the retirement system of such employee's election. Upon the determination of the amount necessary to offset ~~((said))~~ the increased cost, the ~~((retirement board))~~ director of retirement systems shall bill the department of ~~((personnel))~~ enterprise services for the amount of the increased cost: PROVIDED, That such billing shall not exceed eight hundred sixty-one thousand dollars. Such billing shall be paid by the department as, and the same shall be, a proper charge against any moneys available or appropriated to the department for this purpose.

**Sec. 459.** RCW 43.131.090 and 2002 c 354 s 230 are each amended to read as follows:



Unless the legislature specifies a shorter period of time, a terminated entity shall continue in existence until June 30th of the next succeeding year for the purpose of concluding its affairs: PROVIDED, That the powers and authority of the entity shall not be reduced or otherwise limited during this period. Unless otherwise provided:

(1) All employees of terminated entities classified under chapter 41.06 RCW, the state civil service law, shall be transferred as appropriate or as otherwise provided in the procedures adopted by the human resources director (~~(of personnel)~~) pursuant to RCW 41.06.150;

(2) All documents and papers, equipment, or other tangible property in the possession of the terminated entity shall be delivered to the custody of the entity assuming the responsibilities of the terminated entity or if such responsibilities have been eliminated, documents and papers shall be delivered to the state archivist and equipment or other tangible property to the department of (~~general administration~~) enterprise services;

(3) All funds held by, or other moneys due to, the terminated entity shall revert to the fund from which they were appropriated, or if that fund is abolished to the general fund;

(4) Notwithstanding the provisions of RCW 34.05.020, all rules made by a terminated entity shall be repealed, without further action by the entity, at the end of the period provided in this section, unless assumed and reaffirmed by the entity assuming the related legal responsibilities of the terminated entity;

(5) All contractual rights and duties of an entity shall be assigned or delegated to the entity assuming the responsibilities of the terminated entity, or if there is none to such entity as the governor shall direct.

**Sec. 460.** RCW 48.37.060 and 2008 c 100 s 2 are each amended to read as follows:

(1) When the commissioner determines that other market conduct actions identified in RCW 48.37.040(4)(a) have not sufficiently addressed issues raised concerning company activities in Washington state, the commissioner has the discretion to conduct market conduct examinations in accordance with the NAIC market conduct uniform examination procedures and the NAIC market regulation handbook.

(2)(a) In lieu of an examination of an insurer licensed in this state, the commissioner shall accept an examination report of another state, unless the commissioner determines that the other state does not have laws substantially similar to those of this state, or does not have a market oversight system that is comparable to the market conduct oversight system set forth in this law.

(b) The commissioner's determination under (a) of this subsection is discretionary with the commissioner and is not subject to appeal.

(c) If the insurer to be examined is part of an insurance holding company system, the commissioner may also seek to simultaneously examine any affiliates of the insurer under common control and management which are licensed to write the same lines of business in this state.

(3) Before commencement of a market conduct examination, market conduct oversight personnel shall prepare a work plan consisting of the following:

(a) The name and address of the insurer being examined;

(b) The name and contact information of the examiner-in-charge;

- (c) The name of all market conduct oversight personnel initially assigned to the market conduct examination;
- (d) The justification for the examination;
- (e) The scope of the examination;
- (f) The date the examination is scheduled to begin;
- (g) Notice of any noninsurance department personnel who will assist in the examination;
- (h) A time estimate for the examination;
- (i) A budget for the examination if the cost of the examination is billed to the insurer; and
- (j) An identification of factors that will be included in the billing if the cost of the examination is billed to the insurer.

(4)(a) Within ten days of the receipt of the information contained in subsection (3) of this section, insurers may request the commissioner's discretionary review of any alleged conflict of interest, pursuant to RCW 48.37.090(2), of market conduct oversight personnel and noninsurance department personnel assigned to a market conduct examination. The request for review shall specifically describe the alleged conflict of interest in the proposed assignment of any person to the examination.

(b) Within five business days of receiving a request for discretionary review of any alleged conflict of interest in the proposed assignment of any person to a market conduct examination, the commissioner or designee shall notify the insurer of any action regarding the assignment of personnel to a market conduct examination based on the insurer's allegation of conflict of interest.

(5) Market conduct examinations shall, to the extent feasible, use desk examinations and data requests before an on-site examination.

(6) Market conduct examinations shall be conducted in accordance with the provisions set forth in the NAIC market regulation handbook and the NAIC market conduct uniform examinations procedures, subject to the precedence of the provisions of chapter 82, Laws of 2007.

(7) The commissioner shall use the NAIC standard data request.

(8) Announcement of the examination shall be sent to the insurer and posted on the NAIC's examination tracking system as soon as possible but in no case later than sixty days before the estimated commencement of the examination, except where the examination is conducted in response to extraordinary circumstances as described in RCW 48.37.050(2)(a). The announcement sent to the insurer shall contain the examination work plan and a request for the insurer to name its examination coordinator.

(9) If an examination is expanded significantly beyond the original reasons provided to the insurer in the notice of the examination required by subsection (3) of this section, the commissioner shall provide written notice to the insurer, explaining the expansion and reasons for the expansion. The commissioner shall provide a revised work plan if the expansion results in significant changes to the items presented in the original work plan required by subsection (3) of this section.

(10) The commissioner shall conduct a preexamination conference with the insurer examination coordinator and key personnel to clarify expectations at least thirty days before commencement of the examination, unless otherwise agreed by the insurer and the commissioner.

(11) Before the conclusion of the field work for market conduct examination, the examiner-in-charge shall review examination findings to date with insurer personnel and schedule an exit conference with the insurer, in accordance with procedures in the NAIC market regulation handbook.

(12)(a) No later than sixty days after completion of each market conduct examination, the commissioner shall make a full written report of each market conduct examination containing only facts ascertained from the accounts, records, and documents examined and from the sworn testimony of individuals, and such conclusions and recommendations as may reasonably be warranted from such facts.

(b) The report shall be certified by the commissioner or by the examiner-in-charge of the examination, and shall be filed in the commissioner's office subject to (c) of this subsection.

(c) The commissioner shall furnish a copy of the market conduct examination report to the person examined not less than ten days and, unless the time is extended by the commissioner, not more than thirty days prior to the filing of the report for public inspection in the commissioner's office. If the person so requests in writing within such period, the commissioner shall hold a hearing to consider objections of such person to the report as proposed, and shall not so file the report until after such hearing and until after any modifications in the report deemed necessary by the commissioner have been made.

(d) Within thirty days of the end of the period described in (c) of this subsection, unless extended by order of the commissioner, the commissioner shall consider the report, together with any written submissions or rebuttals and any relevant portions of the examiner's work papers and enter an order:

(i) Adopting the market conduct examination report as filed or with modification or corrections. If the market conduct examination report reveals that the company is operating in violation of any law, rule, or order of the commissioner, the commissioner may order the company to take any action the commissioner considers necessary and appropriate to cure that violation;

(ii) Rejecting the market conduct examination report with directions to the examiners to reopen the examination for purposes of obtaining additional data, documentation, or information, and refiling under this subsection; or

(iii) Calling for an investigatory hearing with no less than twenty days' notice to the company for purposes of obtaining additional documentation, data, information, and testimony.

(e) All orders entered under (d) of this subsection must be accompanied by findings and conclusions resulting from the commissioner's consideration and review of the market conduct examination report, relevant examiner work papers, and any written submissions or rebuttals. The order is considered a final administrative decision and may be appealed under the administrative procedure act, chapter 34.05 RCW, and must be served upon the company by certified mail or certifiable electronic means, together with a copy of the adopted examination report. A copy of the adopted examination report must be sent by certified mail or certifiable electronic means to each director at the director's residential address or to a personal e-mail account.

(f)(i) Upon the adoption of the market conduct examination report under (d) of this subsection, the commissioner shall continue to hold the content of the examination report as private and confidential information for a period of five

days except that the order may be disclosed to the person examined. Thereafter, the commissioner may open the report for public inspection so long as no court of competent jurisdiction has stayed its publication.

(ii) If the commissioner determines that regulatory action is appropriate as a result of any market conduct examination, he or she may initiate any proceedings or actions as provided by law.

(iii) Nothing contained in this subsection requires the commissioner to disclose any information or records that would indicate or show the existence or content of any investigation or activity of a criminal justice agency.

(g) The insurer's response shall be included in the commissioner's order adopting the final report as an exhibit to the order. The insurer is not obligated to submit a response.

(13) The commissioner may withhold from public inspection any examination or investigation report for so long as he or she deems it advisable.

(14)(a) Market conduct examinations within this state of any insurer domiciled or having its home offices in this state, other than a title insurer, made by the commissioner or the commissioner's examiners and employees shall, except as to fees, mileage, and expense incurred as to witnesses, be at the expense of the state.

(b) Every other examination, whatsoever, or any part of the market conduct examination of any person domiciled or having its home offices in this state requiring travel and services outside this state, shall be made by the commissioner or by examiners designated by the commissioner and shall be at the expense of the person examined; but a domestic insurer shall not be liable for the compensation of examiners employed by the commissioner for such services outside this state.

(c) When making a market conduct examination under this chapter, the commissioner may contract, in accordance with applicable state contracting procedures, for qualified attorneys, appraisers, independent certified public accountants, contract actuaries, and other similar individuals who are independently practicing their professions, even though those persons may from time to time be similarly employed or retained by persons subject to examination under this chapter, as examiners as the commissioner deems necessary for the efficient conduct of a particular examination. The compensation and per diem allowances paid to such contract persons shall be reasonable in the market and time incurred, shall not exceed one hundred twenty-five percent of the compensation and per diem allowances for examiners set forth in the guidelines adopted by the national association of insurance commissioners, unless the commissioner demonstrates that one hundred twenty-five percent is inadequate under the circumstances of the examination, and subject to the provisions of (a) of this subsection.

(d)(i) The person examined and liable shall reimburse the state upon presentation of an itemized statement thereof, for the actual travel expenses of the commissioner's examiners, their reasonable living expenses allowance, and their per diem compensation, including salary and the employer's cost of employee benefits, at a reasonable rate approved by the commissioner, incurred on account of the examination. Per diem, salary, and expenses for employees examining insurers domiciled outside the state of Washington shall be established by the commissioner on the basis of the national association of

insurance commissioner's recommended salary and expense schedule for zone examiners, or the salary schedule established by the human resources director (~~of the Washington department of personnel~~) and the expense schedule established by the office of financial management, whichever is higher. A domestic title insurer shall pay the examination expense and costs to the commissioner as itemized and billed by the commissioner.

(ii) The commissioner or the commissioner's examiners shall not receive or accept any additional emolument on account of any examination.

(iii) Market conduct examination fees subject to being reimbursed by an insurer shall be itemized and bills shall be provided to the insurer on a monthly basis for review prior to submission for payment, or as otherwise provided by state law.

(e) Nothing contained in this chapter limits the commissioner's authority to terminate or suspend any examination in order to pursue other legal or regulatory action under the insurance laws of this state. Findings of fact and conclusions made pursuant to any examination are prima facie evidence in any legal or regulatory action.

(f) The commissioner shall maintain active management and oversight of market conduct examination costs, including costs associated with the commissioner's own examiners, and with retaining qualified contract examiners necessary to perform an examination. Any agreement with a contract examiner shall:

(i) Clearly identify the types of functions to be subject to outsourcing;

(ii) Provide specific timelines for completion of the outsourced review;

(iii) Require disclosure to the insurer of contract examiners' recommendations;

(iv) Establish and use a dispute resolution or arbitration mechanism to resolve conflicts with insurers regarding examination fees; and

(v) Require disclosure of the terms of the contracts with the outside consultants that will be used, specifically the fees and/or hourly rates that can be charged.

(g) The commissioner, or the commissioner's designee, shall review and affirmatively endorse detailed billings from the qualified contract examiner before the detailed billings are sent to the insurer.

**Sec. 461.** RCW 49.46.010 and 2010 c 160 s 2 and 2010 c 8 s 12040 are each reenacted and amended to read as follows:

As used in this chapter:

(1) "Director" means the director of labor and industries;

(2) "Wage" means compensation due to an employee by reason of employment, payable in legal tender of the United States or checks on banks convertible into cash on demand at full face value, subject to such deductions, charges, or allowances as may be permitted by rules of the director;

(3) "Employ" includes to permit to work;

(4) "Employer" includes any individual, partnership, association, corporation, business trust, or any person or group of persons acting directly or indirectly in the interest of an employer in relation to an employee;

(5) "Employee" includes any individual employed by an employer but shall not include:

(a) Any individual (i) employed as a hand harvest laborer and paid on a piece rate basis in an operation which has been, and is generally and customarily recognized as having been, paid on a piece rate basis in the region of employment; (ii) who commutes daily from his or her permanent residence to the farm on which he or she is employed; and (iii) who has been employed in agriculture less than thirteen weeks during the preceding calendar year;

(b) Any individual employed in casual labor in or about a private home, unless performed in the course of the employer's trade, business, or profession;

(c) Any individual employed in a bona fide executive, administrative, or professional capacity or in the capacity of outside salesperson as those terms are defined and delimited by rules of the director. However, those terms shall be defined and delimited by the human resources director (~~(of personnel)~~) pursuant to chapter 41.06 RCW for employees employed under the director of personnel's jurisdiction;

(d) Any individual engaged in the activities of an educational, charitable, religious, state or local governmental body or agency, or nonprofit organization where the employer-employee relationship does not in fact exist or where the services are rendered to such organizations gratuitously. If the individual receives reimbursement in lieu of compensation for normally incurred out-of-pocket expenses or receives a nominal amount of compensation per unit of voluntary service rendered, an employer-employee relationship is deemed not to exist for the purpose of this section or for purposes of membership or qualification in any state, local government, or publicly supported retirement system other than that provided under chapter 41.24 RCW;

(e) Any individual employed full time by any state or local governmental body or agency who provides voluntary services but only with regard to the provision of the voluntary services. The voluntary services and any compensation therefor shall not affect or add to qualification, entitlement, or benefit rights under any state, local government, or publicly supported retirement system other than that provided under chapter 41.24 RCW;

(f) Any newspaper vendor or carrier;

(g) Any carrier subject to regulation by Part 1 of the Interstate Commerce Act;

(h) Any individual engaged in forest protection and fire prevention activities;

(i) Any individual employed by any charitable institution charged with child care responsibilities engaged primarily in the development of character or citizenship or promoting health or physical fitness or providing or sponsoring recreational opportunities or facilities for young people or members of the armed forces of the United States;

(j) Any individual whose duties require that he or she reside or sleep at the place of his or her employment or who otherwise spends a substantial portion of his or her work time subject to call, and not engaged in the performance of active duties;

(k) Any resident, inmate, or patient of a state, county, or municipal correctional, detention, treatment or rehabilitative institution;

(l) Any individual who holds a public elective or appointive office of the state, any county, city, town, municipal corporation or quasi municipal

corporation, political subdivision, or any instrumentality thereof, or any employee of the state legislature;

(m) All vessel operating crews of the Washington state ferries operated by the department of transportation;

(n) Any individual employed as a seaman on a vessel other than an American vessel;

(o) Any farm intern providing his or her services to a small farm which has a special certificate issued under RCW 49.12.465;

(6) "Occupation" means any occupation, service, trade, business, industry, or branch or group of industries or employment or class of employment in which employees are gainfully employed;

(7) "Retail or service establishment" means an establishment seventy-five percent of whose annual dollar volume of sales of goods or services, or both, is not for resale and is recognized as retail sales or services in the particular industry.

**Sec. 462.** RCW 49.46.010 and 2010 c 8 s 12040 are each amended to read as follows:

As used in this chapter:

(1) "Director" means the director of labor and industries;

(2) "Wage" means compensation due to an employee by reason of employment, payable in legal tender of the United States or checks on banks convertible into cash on demand at full face value, subject to such deductions, charges, or allowances as may be permitted by rules of the director;

(3) "Employ" includes to permit to work;

(4) "Employer" includes any individual, partnership, association, corporation, business trust, or any person or group of persons acting directly or indirectly in the interest of an employer in relation to an employee;

(5) "Employee" includes any individual employed by an employer but shall not include:

(a) Any individual (i) employed as a hand harvest laborer and paid on a piece rate basis in an operation which has been, and is generally and customarily recognized as having been, paid on a piece rate basis in the region of employment; (ii) who commutes daily from his or her permanent residence to the farm on which he or she is employed; and (iii) who has been employed in agriculture less than thirteen weeks during the preceding calendar year;

(b) Any individual employed in casual labor in or about a private home, unless performed in the course of the employer's trade, business, or profession;

(c) Any individual employed in a bona fide executive, administrative, or professional capacity or in the capacity of outside salesperson as those terms are defined and delimited by rules of the director. However, those terms shall be defined and delimited by the human resources director (~~(of personnel)~~) pursuant to chapter 41.06 RCW for employees employed under the director of personnel's jurisdiction;

(d) Any individual engaged in the activities of an educational, charitable, religious, state or local governmental body or agency, or nonprofit organization where the employer-employee relationship does not in fact exist or where the services are rendered to such organizations gratuitously. If the individual receives reimbursement in lieu of compensation for normally incurred out-of-pocket expenses or receives a nominal amount of compensation per unit of

voluntary service rendered, an employer-employee relationship is deemed not to exist for the purpose of this section or for purposes of membership or qualification in any state, local government, or publicly supported retirement system other than that provided under chapter 41.24 RCW;

(e) Any individual employed full time by any state or local governmental body or agency who provides voluntary services but only with regard to the provision of the voluntary services. The voluntary services and any compensation therefor shall not affect or add to qualification, entitlement, or benefit rights under any state, local government, or publicly supported retirement system other than that provided under chapter 41.24 RCW;

(f) Any newspaper vendor or carrier;

(g) Any carrier subject to regulation by Part 1 of the Interstate Commerce Act;

(h) Any individual engaged in forest protection and fire prevention activities;

(i) Any individual employed by any charitable institution charged with child care responsibilities engaged primarily in the development of character or citizenship or promoting health or physical fitness or providing or sponsoring recreational opportunities or facilities for young people or members of the armed forces of the United States;

(j) Any individual whose duties require that he or she reside or sleep at the place of his or her employment or who otherwise spends a substantial portion of his or her work time subject to call, and not engaged in the performance of active duties;

(k) Any resident, inmate, or patient of a state, county, or municipal correctional, detention, treatment or rehabilitative institution;

(l) Any individual who holds a public elective or appointive office of the state, any county, city, town, municipal corporation or quasi municipal corporation, political subdivision, or any instrumentality thereof, or any employee of the state legislature;

(m) All vessel operating crews of the Washington state ferries operated by the department of transportation;

(n) Any individual employed as a seaman on a vessel other than an American vessel;

(6) "Occupation" means any occupation, service, trade, business, industry, or branch or group of industries or employment or class of employment in which employees are gainfully employed;

(7) "Retail or service establishment" means an establishment seventy-five percent of whose annual dollar volume of sales of goods or services, or both, is not for resale and is recognized as retail sales or services in the particular industry.

**Sec. 463.** RCW 49.74.020 and 1993 c 281 s 57 are each amended to read as follows:

If the commission reasonably believes that a state agency, an institution of higher education, or the state patrol has failed to comply with an affirmative action rule adopted under RCW 41.06.150 or 43.43.340, the commission shall notify the director of the state agency, president of the institution of higher education, or chief of the Washington state patrol of the noncompliance, as well as the human resources director (~~of personnel~~). The commission shall give the



director of the state agency, president of the institution of higher education, or chief of the Washington state patrol an opportunity to be heard on the failure to comply.

**Sec. 464.** RCW 49.74.030 and 2002 c 354 s 246 are each amended to read as follows:

The commission in conjunction with the department of ~~((personnel))~~ enterprise services, the office of financial management, or the state patrol, whichever is appropriate, shall attempt to resolve the noncompliance through conciliation. If an agreement is reached for the elimination of noncompliance, the agreement shall be reduced to writing and an order shall be issued by the commission setting forth the terms of the agreement. The noncomplying state agency, institution of higher education, or state patrol shall make a good faith effort to conciliate and make a full commitment to correct the noncompliance with any action that may be necessary to achieve compliance, provided such action is not inconsistent with the rules adopted under RCW 41.06.150~~((6))~~(5) and 43.43.340(5), whichever is appropriate.

**Sec. 465.** RCW 49.90.010 and 2009 c 294 s 5 are each amended to read as follows:

(1) Within this section, "sensory disability" means a sensory condition that materially limits, contributes to limiting, or, if not corrected or accommodated, will probably result in limiting an individual's activities or functioning.

(2) The ~~((department of personnel))~~ office of financial management shall adopt rules that authorize state agencies to provide allowances to employees with sensory disabilities who must attend training necessary to attain a new service animal. The employee's absence must be treated in the same manner as that granted to employees who are absent to attend training that supports or improves their job performance, except that the employee shall not be eligible for reimbursement under RCW 43.03.050 or 43.03.060. The ~~((department of personnel))~~ office of financial management shall adopt rules as necessary to implement this chapter.

(3) If the necessity to attend training for a new service animal is foreseeable and the training will cause the employee to miss work, the employee shall provide the employer with not less than thirty days' notice, before the date the absence is to begin, of the employee's impending absence. If the date of the training requires the absence to begin in less than thirty days, the employee shall provide notice as is practicable.

(4) An agency may require that a request to attend service animal training be supported by a certification issued by the relevant training organization. The employee must provide, in a timely manner, a copy of the certification to the agency. Certification provided under this section is sufficient if it states: (a) The date on which the service animal training session is scheduled to commence; and (b) the session's duration.

**Sec. 466.** RCW 50.13.060 and 2008 c 120 s 6 are each amended to read as follows:

(1) Governmental agencies, including law enforcement agencies, prosecuting agencies, and the executive branch, whether state, local, or federal shall have access to information or records deemed private and confidential

under this chapter if the information or records are needed by the agency for official purposes and:

(a) The agency submits an application in writing to the employment security department for the records or information containing a statement of the official purposes for which the information or records are needed and specific identification of the records or information sought from the department; and

(b) The director, commissioner, chief executive, or other official of the agency has verified the need for the specific information in writing either on the application or on a separate document; and

(c) The agency requesting access has served a copy of the application for records or information on the individual or employing unit whose records or information are sought and has provided the department with proof of service. Service shall be made in a manner which conforms to the civil rules for superior court. The requesting agency shall include with the copy of the application a statement to the effect that the individual or employing unit may contact the public records officer of the employment security department to state any objections to the release of the records or information. The employment security department shall not act upon the application of the requesting agency until at least five days after service on the concerned individual or employing unit. The employment security department shall consider any objections raised by the concerned individual or employing unit in deciding whether the requesting agency needs the information or records for official purposes.

(2) The requirements of subsections (1) and (9) of this section shall not apply to the state legislative branch. The state legislature shall have access to information or records deemed private and confidential under this chapter, if the legislature or a legislative committee finds that the information or records are necessary and for official purposes. If the employment security department does not make information or records available as provided in this subsection, the legislature may exercise its authority granted by chapter 44.16 RCW.

(3) In cases of emergency the governmental agency requesting access shall not be required to formally comply with the provisions of subsection (1) of this section at the time of the request if the procedures required by subsection (1) of this section are complied with by the requesting agency following the receipt of any records or information deemed private and confidential under this chapter. An emergency is defined as a situation in which irreparable harm or damage could occur if records or information are not released immediately.

(4) The requirements of subsection (1)(c) of this section shall not apply to governmental agencies where the procedures would frustrate the investigation of possible violations of criminal laws or to the release of employing unit names, addresses, number of employees, and aggregate employer wage data for the purpose of state governmental agencies preparing small business economic impact statements under chapter 19.85 RCW or preparing cost-benefit analyses under RCW 34.05.328(1) (c) and (d). Information provided by the department and held to be private and confidential under state or federal laws must not be misused or released to unauthorized parties. A person who misuses such information or releases such information to unauthorized parties is subject to the sanctions in RCW 50.13.080.

(5) Governmental agencies shall have access to certain records or information, limited to such items as names, addresses, social security numbers,

and general information about benefit entitlement or employer information possessed by the department, for comparison purposes with records or information possessed by the requesting agency to detect improper or fraudulent claims, or to determine potential tax liability or employer compliance with registration and licensing requirements. In those cases the governmental agency shall not be required to comply with subsection (1)(c) of this section, but the requirements of the remainder of subsection (1) of this section must be satisfied.

(6) Governmental agencies may have access to certain records and information, limited to employer information possessed by the department for purposes authorized in chapter 50.38 RCW. Access to these records and information is limited to only those individuals conducting authorized statistical analysis, research, and evaluation studies. Only in cases consistent with the purposes of chapter 50.38 RCW are government agencies not required to comply with subsection (1)(c) of this section, but the requirements of the remainder of subsection (1) of this section must be satisfied. Information provided by the department and held to be private and confidential under state or federal laws shall not be misused or released to unauthorized parties subject to the sanctions in RCW 50.13.080.

(7) Disclosure to governmental agencies of information or records obtained by the employment security department from the federal government shall be governed by any applicable federal law or any agreement between the federal government and the employment security department where so required by federal law. When federal law does not apply to the records or information state law shall control.

(8) The department may provide information for purposes of statistical analysis and evaluation of the WorkFirst program or any successor state welfare program to the department of social and health services, the office of financial management, and other governmental entities with oversight or evaluation responsibilities for the program in accordance with RCW 43.20A.080. The confidential information provided by the department shall remain the property of the department and may be used by the authorized requesting agencies only for statistical analysis, research, and evaluation purposes as provided in RCW 74.08A.410 and 74.08A.420. The department of social and health services, the office of financial management, or other governmental entities with oversight or evaluation responsibilities for the program are not required to comply with subsection (1)(c) of this section, but the requirements of the remainder of subsection (1) of this section and applicable federal laws and regulations must be satisfied. The confidential information used for evaluation and analysis of welfare reform supplied to the authorized requesting entities with regard to the WorkFirst program or any successor state welfare program are exempt from public inspection and copying under chapter 42.56 RCW.

(9) The disclosure of any records or information by a governmental agency which has obtained the records or information under this section is prohibited unless the disclosure is (a) directly connected to the official purpose for which the records or information were obtained or (b) to another governmental agency which would be permitted to obtain the records or information under subsection (4) or (5) of this section.

(10) In conducting periodic salary or fringe benefit studies pursuant to law, the (~~department of personnel~~) office of financial management shall have access

to records of the employment security department as may be required for such studies. For such purposes, the requirements of subsection (1)(c) of this section need not apply.

(11)(a) To promote the reemployment of job seekers, the commissioner may enter into data-sharing contracts with partners of the one-stop career development system. The contracts shall provide for the transfer of data only to the extent that the transfer is necessary for the efficient provisions of workforce programs, including but not limited to public labor exchange, unemployment insurance, worker training and retraining, vocational rehabilitation, vocational education, adult education, transition from public assistance, and support services. The transfer of information under contracts with one-stop partners is exempt from subsection (1)(c) of this section.

(b) An individual who applies for services from the department and whose information will be shared under (a) of this subsection (11) must be notified that his or her private and confidential information in the department's records will be shared among the one-stop partners to facilitate the delivery of one-stop services to the individual. The notice must advise the individual that he or she may request that private and confidential information not be shared among the one-stop partners and the department must honor the request. In addition, the notice must:

(i) Advise the individual that if he or she requests that private and confidential information not be shared among one-stop partners, the request will in no way affect eligibility for services;

(ii) Describe the nature of the information to be shared, the general use of the information by one-stop partner representatives, and among whom the information will be shared;

(iii) Inform the individual that shared information will be used only for the purpose of delivering one-stop services and that further disclosure of the information is prohibited under contract and is not subject to disclosure under chapter 42.56 RCW; and

(iv) Be provided in English and an alternative language selected by the one-stop center or job service center as appropriate for the community where the center is located.

If the notice is provided in-person, the individual who does not want private and confidential information shared among the one-stop partners must immediately advise the one-stop partner representative of that decision. The notice must be provided to an individual who applies for services telephonically, electronically, or by mail, in a suitable format and within a reasonable time after applying for services, which shall be no later than ten working days from the department's receipt of the application for services. A one-stop representative must be available to answer specific questions regarding the nature, extent, and purpose for which the information may be shared.

(12) To facilitate improved operation and evaluation of state programs, the commissioner may enter into data-sharing contracts with other state agencies only to the extent that such transfer is necessary for the efficient operation or evaluation of outcomes for those programs. The transfer of information by contract under this subsection is exempt from subsection (1)(c) of this section.

(13) The misuse or unauthorized release of records or information by any person or organization to which access is permitted by this chapter subjects the

person or organization to a civil penalty of five thousand dollars and other applicable sanctions under state and federal law. Suit to enforce this section shall be brought by the attorney general and the amount of any penalties collected shall be paid into the employment security department administrative contingency fund. The attorney general may recover reasonable attorneys' fees for any action brought to enforce this section.

**Sec. 467.** RCW 28A.345.060 and 1986 c 158 s 3 are each amended to read as follows:

The association shall contract with the (~~department of personnel for the department of personnel~~) human resources director in the office of financial management to audit in odd-numbered years the association's staff classifications and employees' salaries. The association shall give copies of the audit reports to the office of financial management and the committees of each house of the legislature dealing with common schools.

**Sec. 468.** RCW 28A.400.201 and 2010 c 236 s 7 are each amended to read as follows:

(1) The legislature recognizes that providing students with the opportunity to access a world-class educational system depends on our continuing ability to provide students with access to world-class educators. The legislature also understands that continuing to attract and retain the highest quality educators will require increased investments. The legislature intends to enhance the current salary allocation model and recognizes that changes to the current model cannot be imposed without great deliberation and input from teachers, administrators, and classified employees. Therefore, it is the intent of the legislature to begin the process of developing an enhanced salary allocation model that is collaboratively designed to ensure the rationality of any conclusions regarding what constitutes adequate compensation.

(2) Beginning July 1, 2011, the office of the superintendent of public instruction, in collaboration with the human resources director in the office of financial management, shall convene a technical working group to recommend the details of an enhanced salary allocation model that aligns state expectations for educator development and certification with the compensation system and establishes recommendations for a concurrent implementation schedule. In addition to any other details the technical working group deems necessary, the technical working group shall make recommendations on the following:

(a) How to reduce the number of tiers within the existing salary allocation model;

(b) How to account for labor market adjustments;

(c) How to account for different geographic regions of the state where districts may encounter difficulty recruiting and retaining teachers;

(d) The role of and types of bonuses available;

(e) Ways to accomplish salary equalization over a set number of years; and

(f) Initial fiscal estimates for implementing the recommendations including a recognition that staff on the existing salary allocation model would have the option to grandfather in permanently to the existing schedule.

(3) As part of its work, the technical working group shall conduct or contract for a preliminary comparative labor market analysis of salaries and other compensation for school district employees to be conducted and shall

include the results in any reports to the legislature. For the purposes of this subsection, "salaries and other compensation" includes average base salaries, average total salaries, average employee basic benefits, and retirement benefits.

(4) The analysis required under subsection (1) of this section must:

(a) Examine salaries and other compensation for teachers, other certificated instructional staff, principals, and other building-level certificated administrators, and the types of classified employees for whom salaries are allocated;

(b) Be calculated at a statewide level that identifies labor markets in Washington through the use of data from the United States bureau of the census and the bureau of labor statistics; and

(c) Include a comparison of salaries and other compensation to the appropriate labor market for at least the following subgroups of educators: Beginning teachers and types of educational staff associates.

(5) The working group shall include representatives of the (~~department of personnel~~) office of financial management, the professional educator standards board, the office of the superintendent of public instruction, the Washington education association, the Washington association of school administrators, the association of Washington school principals, the Washington state school directors' association, the public school employees of Washington, and other interested stakeholders with appropriate expertise in compensation related matters. The working group may convene advisory subgroups on specific topics as necessary to assure participation and input from a broad array of diverse stakeholders.

(6) The working group shall be monitored and overseen by the legislature and the quality education council created in RCW 28A.290.010. The working group shall make an initial report to the legislature by June 30, 2012, and shall include in its report recommendations for whether additional further work of the group is necessary.

**Sec. 469.** RCW 34.12.100 and 2010 1st sp.s. c 7 s 3 are each amended to read as follows:

The chief administrative law judge shall be paid a salary fixed by the governor after recommendation of the (~~department of personnel~~) human resources director in the office of financial management. The salaries of administrative law judges appointed under the terms of this chapter shall be determined by the chief administrative law judge after recommendation of the department of personnel.

**Sec. 470.** RCW 36.21.011 and 1995 c 134 s 12 are each amended to read as follows:

Any assessor who deems it necessary in order to complete the listing and the valuation of the property of the county within the time prescribed by law, (1) may appoint one or more well qualified persons to act as assistants or deputies who shall not engage in the private practice of appraising within the county in which he or she is employed without the written permission of the assessor filed with the auditor; and each such assistant or deputy so appointed shall, under the direction of the assessor, after taking the required oath, perform all the duties enjoined upon, vested in or imposed upon assessors, and (2) may contract with

any persons, firms or corporations, who are expert appraisers, to assist in the valuation of property.

To assist each assessor in obtaining adequate and well qualified assistants or deputies, the ~~((state department of personnel))~~ office of financial management, after consultation with the Washington state association of county assessors, the Washington state association of counties, and the department of revenue, shall establish by July 1, 1967, and shall thereafter maintain, a classification and salary plan for those employees of an assessor who act as appraisers. The plan shall recommend the salary range and employment qualifications for each position encompassed by it, and shall, to the fullest extent practicable, conform to the classification plan, salary schedules and employment qualifications for state employees performing similar appraisal functions.

An assessor who intends to put such plan into effect shall inform the department of revenue and the county legislative authority of this intent in writing. The department of revenue and the county legislative authority may thereupon each designate a representative, and such representative or representatives as may be designated by the department of revenue or the county legislative authority, or both, shall form with the assessor a committee. The committee so formed may, by unanimous vote only, determine the required number of certified appraiser positions and their salaries necessary to enable the assessor to carry out the requirements relating to revaluation of property in chapter 84.41 RCW. The determination of the committee shall be certified to the county legislative authority. The committee may be formed only once in a period of four calendar years.

After such determination, the assessor may provide, in each of the four next succeeding annual budget estimates, for as many positions as are established in such determination. Each county legislative authority to which such a budget estimate is submitted shall allow sufficient funds for such positions. An employee may be appointed to a position covered by the plan only if the employee meets the employment qualifications established by the plan.

**Sec. 471.** RCW 41.04.020 and 1998 c 116 s 1 are each amended to read as follows:

Any employee or group of employees of the state of Washington or any of its political subdivisions, or of any institution supported, in whole or in part, by the state or any of its political subdivisions, may authorize the deduction from his or her salaries or wages and payment to another, the amount or amounts of his or her subscription payments or contributions to any person, firm, or corporation administering, furnishing, or providing (1) medical, surgical, and hospital care or either of them, or (2) life insurance or accident and health disability insurance, or (3) any individual retirement account selected by the employee or the employee's spouse established under applicable state or federal law: PROVIDED, That such authorization by said employee or group of employees, shall be first approved by the head of the department, division office or institution of the state or any political subdivision thereof, employing such person or group of persons, and filed with the department of ~~((personnel))~~ enterprise services; or in the case of political subdivisions of the state of Washington, with the auditor of such political subdivision or the person authorized by law to draw warrants against the funds of said political subdivision.

**Sec. 472.** RCW 41.04.460 and 1992 c 234 s 10 are each amended to read as follows:

The department of (~~personnel~~) enterprise services, through the combined benefits communication project, shall prepare information encouraging individual financial planning for retirement and describing the potential consequences of early retirement, including members' assumption of health insurance costs, members' receipt of reduced retirement benefits, and the increased period of time before members will become eligible for cost-of-living adjustments. The department of retirement systems shall distribute the information to members who are eligible to retire under the provisions of chapter 234, Laws of 1992. Prior to retiring, such members who elect to retire shall sign a statement acknowledging their receipt and understanding of the information.

**Sec. 473.** RCW 41.60.050 and 1991 sp.s. c 16 s 918 are each amended to read as follows:

The legislature shall appropriate from the (~~department of~~) personnel service fund for the payment of administrative costs of the productivity board. However, during the 1991-93 fiscal biennium, the administrative costs of the productivity board shall be appropriated from the savings recovery account.

**Sec. 474.** RCW 41.68.030 and 1983 1st ex.s. c 15 s 3 are each amended to read as follows:

A claim under this chapter may be submitted to the department of (~~personnel~~) enterprise services for the reparation of salary losses suffered during the years 1942 through 1947. The claim shall be supported by appropriate verification, such as the person's name at the time of the dismissal, the name of the employing department, and a social security number, or by evidence of official action of termination. The claimant shall also provide an address to which the department shall mail notification of its determination regarding the claimant's eligibility.

**Sec. 475.** RCW 41.68.040 and 1983 1st ex.s. c 15 s 4 are each amended to read as follows:

(1) The department of (~~personnel~~) enterprise services shall determine the eligibility of a claimant to receive reparations authorized by this chapter. The department shall then notify the claimant by mail of its determination regarding the claimant's eligibility.

(2) The department may adopt rules that will assist in the fair determination of eligibility and the processing of claims. The department, however, has no obligation to directly notify any person of possible eligibility for reparation of salary losses under this chapter.

**Sec. 476.** RCW 41.68.050 and 1983 1st ex.s. c 15 s 5 are each amended to read as follows:

A claimant under this chapter who is determined eligible by the department of (~~personnel~~) enterprise services shall receive two thousand five hundred dollars each year for two years. All claims which the department determines are eligible for reparation shall be immediately forwarded to the state treasurer, who shall issue warrants in the appropriate amounts upon demand and verification of identity. If a claimant dies after filing a claim but before receiving full payment, payments shall be made to the claimant's estate upon demand and verification of identity.



**Sec. 477.** RCW 47.28.251 and 2003 c 363 s 103 are each amended to read as follows:

(1) The department of transportation shall work with representatives of transportation labor groups to develop a financial incentive program to aid in retention and recruitment of employee classifications where problems exist and program delivery is negatively affected. The department's financial incentive program must be reviewed and approved by the legislature before it can be implemented. This program must support the goal of enhancing project delivery timelines as outlined in section 101, chapter 363, Laws of 2003. Upon receiving approval from the legislature, the ~~((department of personnel))~~ office of financial management shall implement, as required, specific aspects of the financial incentive package, as developed by the department of transportation.

(2) Notwithstanding chapter 41.06 RCW, the department of transportation may acquire services from qualified private firms in order to deliver the transportation construction program to the public. Services may be acquired solely for augmenting the department's workforce capacity and only when the department's transportation construction program cannot be delivered through its existing or readily available workforce. The department of transportation shall work with representatives of transportation labor groups to develop and implement a program identifying those projects requiring contracted services while establishing a program as defined in subsection (1) of this section to provide the classified personnel necessary to deliver future construction programs. The procedures for acquiring construction engineering services from private firms may not be used to displace existing state employees nor diminish the number of existing classified positions in the present construction program. The acquisition procedures must be in accordance with chapter 39.80 RCW.

(3) Starting in December 2004, and biennially thereafter, the secretary shall report to the transportation committees of the legislature on the use of construction engineering services from private firms authorized under this section. The information provided to the committees must include an assessment of the benefits and costs associated with using construction engineering services, or other services, from private firms, and a comparison of public versus private sector costs. The secretary may act on these findings to ensure the most cost-effective means of service delivery.

**NEW SECTION. Sec. 478.** The following acts or parts of acts are each repealed:

(1) RCW 41.06.030 (Department of personnel established) and 2002 c 354 s 201, 1993 c 281 s 20, & 1961 c 1 s 3;

(2) RCW 41.06.111 (Personnel appeals board abolished—Powers, duties, and functions transferred to the Washington personnel resources board) and 2002 c 354 s 233;

(3) RCW 41.06.130 (Director of personnel—Appointment—Rules—Powers and duties—Delegation of authority) and 1993 c 281 s 26, 1982 1st ex.s. c 53 s 3, & 1961 c 1 s 13;

(4) RCW 41.06.139 (Classification system for classified service—Director implements—Rules of the board—Appeals) and 2002 c 354 s 206;

(5) RCW 41.06.480 (Background check disqualification—Policy recommendations) and 2001 c 296 s 7; and

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(6) RCW 41.07.900 (Transfer of personnel, records, equipment, etc) and 1975 1st ex.s. c 239 s 4.

NEW SECTION. Sec. 479. RCW 41.06.136, 43.31.086, 41.80.900, 41.80.901, 41.80.902, 41.80.903, and 41.80.904 are each decodified.

NEW SECTION. Sec. 480. Section 447 of this act expires January 1, 2012.

NEW SECTION. Sec. 481. Section 448 of this act takes effect January 1, 2012.

NEW SECTION. Sec. 482. Section 459 of this act expires June 30, 2015.

NEW SECTION. Sec. 483. Section 461 of this act expires December 31, 2011.

NEW SECTION. Sec. 484. Section 462 of this act takes effect December 31, 2011.

**PART V  
POWERS AND DUTIES TRANSFERRED  
FROM THE OFFICE OF FINANCIAL MANAGEMENT**

**Sec. 501.** RCW 43.41.290 and 1977 ex.s. c 270 s 3 are each amended to read as follows:

As used in (~~RCW 43.19.19361 and 43.19.19362~~) this act:

(1) "State agency" includes any state office, agency, commission, department, or institution, including colleges, universities, and community colleges, financed in whole or part from funds appropriated by the legislature; (~~and~~)

(2) "Risk management" means the total effort and continuous step by step process of risk identification, measurement, minimization, assumption, transfer, and loss adjustment which is aimed at protecting assets and revenues against accidental loss;

(3) "Department" means the department of enterprise services; and

(4) "Director" means the director of enterprise services.

**Sec. 502.** RCW 43.41.300 and 2002 c 332 s 7 are each amended to read as follows:

There is hereby created (~~(a)~~) an office of risk management (~~(division)~~) within the (~~(office of financial management)~~) department of enterprise services. The director shall implement the risk management policy in RCW 43.41.280 (as recodified by this act) through the office of risk management (~~(division)~~). The director shall appoint a risk manager to supervise the office of risk management (~~(division)~~). The office of risk management (~~(division)~~) shall make recommendations when appropriate to state agencies on the application of prudent safety, security, loss prevention, and loss minimization methods so as to reduce or avoid risk or loss.

**Sec. 503.** RCW 43.41.310 and 2002 c 332 s 5 are each amended to read as follows:

As a means of providing for the procurement of insurance and bonds on a volume rate basis, the director shall purchase or contract for the needs of state agencies in relation to all such insurance and bonds: PROVIDED, That authority to purchase insurance may be delegated to state agencies. Insurance in

force shall be reported to the office of risk management (~~(division)~~) periodically under rules established by the director. Nothing contained in this section shall prohibit the use of licensed agents or brokers for the procurement and service of insurance.

The amounts of insurance or bond coverage shall be as fixed by law, or if not fixed by law, such amounts shall be as fixed by the director.

The premium cost for insurance acquired and bonds furnished shall be paid from appropriations or other appropriate resources available to the state agency or agencies for which procurement is made, and all vouchers drawn in payment therefor shall bear the written approval of the office of risk management (~~(division)~~) prior to the issuance of the warrant in payment therefor. Where deemed advisable the premium cost for insurance and bonds may be paid by the risk management administration account which shall be reimbursed by the agency or agencies for which procurement is made.

**Sec. 504.** RCW 43.41.320 and 2002 c 332 s 6 are each amended to read as follows:

The director, through the office of risk management (~~(division)~~), may purchase, or contract for the purchase of, property and liability insurance for any municipality upon request of the municipality.

As used in this section, "municipality" means any city, town, county, special purpose district, municipal corporation, or political subdivision of the state of Washington.

**Sec. 505.** RCW 43.41.330 and 2002 c 332 s 8 are each amended to read as follows:

The director, through the office of risk management (~~(division)~~), shall receive and enforce bonds posted pursuant to RCW 39.59.010 (3) and (4).

**Sec. 506.** RCW 43.41.340 and 2002 c 332 s 9 are each amended to read as follows:

The (~~(office)~~) department shall conduct periodic actuarial studies to determine the amount of money needed to adequately fund the liability account.

**Sec. 507.** RCW 43.41.360 and 2009 c 549 s 5121 are each amended to read as follows:

~~((In addition to other powers and duties prescribed by this chapter,))~~ The director shall:

(1) Fix the amount of bond to be given by each appointive state officer and each employee of the state in all cases where it is not fixed by law;

(2) Require the giving of an additional bond, or a bond in a greater amount than provided by law, in all cases where in his or her judgment the statutory bond is not sufficient in amount to cover the liabilities of the officer or employee;

(3) Exempt subordinate employees from giving bond when in his or her judgment their powers and duties are such as not to require a bond.

**Sec. 508.** RCW 43.41.370 and 2002 c 333 s 2 are each amended to read as follows:

(1) The director (~~(of financial management)~~) shall appoint a loss prevention review team when the death of a person, serious injury to a person, or other substantial loss is alleged or suspected to be caused at least in part by the actions of a state agency, unless the director in his or her discretion determines that the incident does not merit review. A loss prevention review team may also be

appointed when any other substantial loss occurs as a result of agency policies, litigation or defense practices, or other management practices. When the director decides not to appoint a loss prevention review team he or she shall issue a statement of the reasons for the director's decision. The statement shall be made available on the department's web site (~~(of the office of financial management)~~). The director's decision pursuant to this section to appoint or not appoint a loss prevention review team shall not be admitted into evidence in a civil or administrative proceeding.

(2) A loss prevention review team shall consist of at least three but no more than five persons, and may include independent consultants, contractors, or state employees, but it shall not include any person employed by the agency involved in the loss or risk of loss giving rise to the review, nor any person with testimonial knowledge of the incident to be reviewed. At least one member of the review team shall have expertise relevant to the matter under review.

(3) The loss prevention review team shall review the death, serious injury, or other incident and the circumstances surrounding it, evaluate its causes, and recommend steps to reduce the risk of such incidents occurring in the future. The loss prevention review team shall accomplish these tasks by reviewing relevant documents, interviewing persons with relevant knowledge, and reporting its recommendations in writing to the director (~~(of financial management)~~) and the director of the agency involved in the loss or risk of loss within the time requested by the director (~~(of financial management)~~). The final report shall not disclose the contents of any documents required by law to be kept confidential.

(4) Pursuant to guidelines established by the director, state agencies must notify the (~~office of financial management~~) department immediately upon becoming aware of a death, serious injury, or other substantial loss that is alleged or suspected to be caused at least in part by the actions of the state agency. State agencies shall provide the loss prevention review team ready access to relevant documents in their possession and ready access to their employees.

**Sec. 509.** RCW 43.41.380 and 2002 c 333 s 3 are each amended to read as follows:

(1) The final report from a loss prevention review team to the director (~~(of financial management)~~) shall be made public by the director promptly upon receipt, and shall be subject to public disclosure. The final report shall be subject to discovery in a civil or administrative proceeding. However, the final report shall not be admitted into evidence or otherwise used in a civil or administrative proceeding except pursuant to subsection (2) of this section.

(2) The relevant excerpt or excerpts from the final report of a loss prevention review team may be used to impeach a fact witness in a civil or administrative proceeding only if the party wishing to use the excerpt or excerpts from the report first shows the court by clear and convincing evidence that the witness, in testimony provided in deposition or at trial in the present proceeding, has contradicted his or her previous statements to the loss prevention review team on an issue of fact material to the present proceeding. In that case, the party may use only the excerpt or excerpts necessary to demonstrate the contradiction. This section shall not be interpreted as expanding the scope of material that may be used to impeach a witness.

(3) No member of a loss prevention review team may be examined in a civil or administrative proceeding as to (a) the work of the loss prevention review team, (b) the incident under review, (c) his or her statements, deliberations, thoughts, analyses, or impressions relating to the work of the loss prevention review team or the incident under review, or (d) the statements, deliberations, thoughts, analyses, or impressions of any other member of the loss prevention review team, or any person who provided information to it, relating to the work of the loss prevention review team or the incident under review.

(4) Any document that exists prior to the appointment of a loss prevention review team, or that is created independently of such a team, does not become inadmissible merely because it is reviewed or used by the loss prevention review team. A person does not become unavailable as a witness merely because the person has been interviewed by or has provided a statement to a loss prevention review team. However, if called as a witness, the person may not be examined regarding the person's interactions with the loss prevention review team, including without limitation whether the loss prevention review team interviewed the person, what questions the loss prevention review team asked, and what answers the person provided to the loss prevention review team. This section shall not be construed as restricting the person from testifying fully in any proceeding regarding his or her knowledge of the incident under review.

(5) Documents prepared by or for the loss prevention review team are inadmissible and may not be used in a civil or administrative proceeding, except that excerpts may be used to impeach the credibility of a witness under the same circumstances that excerpts of the final report may be used pursuant to subsection (2) of this section.

(6) The restrictions set forth in this section shall not apply in a licensing or disciplinary proceeding arising from an agency's effort to revoke or suspend the license of any licensed professional based in whole or in part upon allegations of wrongdoing in connection with the death, injury, or other incident reviewed by the loss prevention review team.

(7) Within one hundred twenty days after completion of the final report of a loss prevention review team, the agency under review shall issue to the (~~office of financial management~~) department a response to the report. The response will indicate (a) which of the report's recommendations the agency hopes to implement, (b) whether implementation of those recommendations will require additional funding or legislation, and (c) whatever other information the director may require. This response shall be considered part of the final report and shall be subject to all provisions of this section that apply to the final report, including without limitation the restrictions on admissibility and use in civil or administrative proceedings and the obligation of the director to make the final report public.

(8) Nothing in RCW 43.41.370 or this section is intended to limit the scope of a legislative inquiry into or review of an incident that is the subject of a loss prevention review.

(9) Nothing in RCW 43.41.370 or in this section affects chapter 70.41 RCW and application of that chapter to state-owned or managed hospitals licensed under chapter 70.41 RCW.

**Sec. 510.** RCW 43.41.110 and 2002 c 332 s 23 are each amended to read as follows:

The office of financial management shall:

(1) Provide technical assistance to the governor and the legislature in identifying needs and in planning to meet those needs through state programs and a plan for expenditures.

(2) Perform the comprehensive planning functions and processes necessary or advisable for state program planning and development, preparation of the budget, inter-departmental and inter-governmental coordination and cooperation, and determination of state capital improvement requirements.

(3) Provide assistance and coordination to state agencies and departments in their preparation of plans and programs.

(4) Provide general coordination and review of plans in functional areas of state government as may be necessary for receipt of federal or state funds.

(5) Participate with other states or subdivisions thereof in interstate planning.

(6) Encourage educational and research programs that further planning and provide administrative and technical services therefor.

(7) Carry out the provisions of RCW 43.62.010 through 43.62.050 relating to the state census.

~~(8) ((Carry out the provisions of this chapter and chapter 4.92 RCW relating to risk management.~~

~~(9))~~ Be the official state participant in the federal-state cooperative program for local population estimates and as such certify all city and county special censuses to be considered in the allocation of state and federal revenues.

~~((10))~~ (9) Be the official state center for processing and dissemination of federal decennial or quinquennial census data in cooperation with other state agencies.

~~((11))~~ (10) Be the official state agency certifying annexations, incorporations, or disincorporations to the United States bureau of the census.

~~((12))~~ (11) Review all United States bureau of the census population estimates used for federal revenue sharing purposes and provide a liaison for local governments with the United States bureau of the census in adjusting or correcting revenue sharing population estimates.

~~((13))~~ (12) Provide fiscal notes depicting the expected fiscal impact of proposed legislation in accordance with chapter 43.88A RCW.

~~((14))~~ (13) Be the official state agency to estimate and manage the cash flow of all public funds as provided in chapter 43.88 RCW. To this end, the office shall adopt such rules as are necessary to manage the cash flow of public funds.

**Sec. 511.** RCW 4.92.006 and 2002 c 332 s 10 are each amended to read as follows:

As used in this chapter:

(1) (~~"Office" means the office of financial management.~~) "Department" means the department of enterprise services.

(2) "Director" means the director of (~~financial management~~) enterprise services.

(3) (~~"Risk management division")~~ "Office of risk management" means the (~~division of the office of financial management~~) office within the department of enterprise services that carries out the powers and duties under this chapter relating to claim filing, claims administration, and claims payment.

(4) "Risk manager" means the person supervising the office of risk management (~~(division)~~).

**Sec. 512.** RCW 4.92.040 and 2002 c 332 s 11 are each amended to read as follows:

(1) No execution shall issue against the state on any judgment.

(2) Whenever a final judgment against the state is obtained in an action on a claim arising out of tortious conduct, the claim shall be paid from the liability account.

(3) Whenever a final judgment against the state shall have been obtained in any other action, the clerk of the court shall make and furnish to the office of risk management (~~(division)~~) a duly certified copy of such judgment; the office of risk management (~~(division)~~) shall thereupon audit the amount of damages and costs therein awarded, and the same shall be paid from appropriations specifically provided for such purposes by law.

(4) Final judgments for which there are no provisions in state law for payment shall be transmitted by the office of risk management (~~(division)~~) to the senate and house of representatives committees on ways and means as follows:

(a) On the first day of each session of the legislature, the office of risk management (~~(division)~~) shall transmit judgments received and audited since the adjournment of the previous session of the legislature.

(b) During each session of legislature, the office of risk management (~~(division)~~) shall transmit judgments immediately upon completion of audit.

(5) All claims, other than judgments, made to the legislature against the state of Washington for money or property, shall be accompanied by a statement of the facts on which such claim is based and such evidence as the claimant intends to offer in support of the claim and shall be filed with the office of risk management (~~(division)~~), which shall retain the same as a record. All claims of two thousand dollars or less shall be approved or rejected by the office of risk management (~~(division)~~), and if approved shall be paid from appropriations specifically provided for such purpose by law. Such decision, if adverse to the claimant in whole or part, shall not preclude the claimant from seeking relief from the legislature. If the claimant accepts any part of his or her claim which is approved for payment by the office of risk management (~~(division)~~), such acceptance shall constitute a waiver and release of the state from any further claims relating to the damage or injury asserted in the claim so accepted. The office of risk management (~~(division)~~) shall submit to the house and senate committees on ways and means, at the beginning of each regular session, a comprehensive list of all claims paid pursuant to this subsection during the preceding year. For all claims not approved by the office of risk management (~~(division)~~), the office of risk management (~~(division)~~) shall recommend to the legislature whether such claims should be approved or rejected. Recommendations shall be submitted to the senate and house of representatives committees on ways and means not later than the thirtieth day of each regular session of the legislature. Claims which cannot be processed for timely submission of recommendations shall be held for submission during the following regular session of the legislature. The recommendations shall include, but not be limited to:

(a) A summary of the facts alleged in the claim, and a statement as to whether these facts can be verified by the office of risk management (~~(division)~~);

(b) An estimate by the office of risk management (~~(division)~~) of the value of the loss or damage which was alleged to have occurred;

(c) An analysis of the legal liability, if any, of the state for the alleged loss or damage; and

(d) A summary of equitable or public policy arguments which might be helpful in resolving the claim.

(6) The legislative committees to whom such claims are referred shall make a transcript, recording, or statement of the substance of the evidence given in support of such a claim. If the legislature approves a claim the same shall be paid from appropriations specifically provided for such purpose by law.

(7) Subsections (3) through (6) of this section do not apply to judgments or claims against the state housing finance commission created under chapter 43.180 RCW.

**Sec. 513.** RCW 4.92.130 and 2009 c 560 s 15 are each amended to read as follows:

A liability account in the custody of the treasurer is hereby created as a nonappropriated account to be used solely and exclusively for the payment of liability settlements and judgments against the state under 42 U.S.C. Sec. 1981 et seq. or for the tortious conduct of its officers, employees, and volunteers and all related legal defense costs.

(1) The purpose of the liability account is to: (a) Expeditiously pay legal liabilities and defense costs of the state resulting from tortious conduct; (b) promote risk control through a cost allocation system which recognizes agency loss experience, levels of self-retention, and levels of risk exposure; and (c) establish an actuarially sound system to pay incurred losses, within defined limits.

(2) The liability account shall be used to pay claims for injury and property damages and legal defense costs exclusive of agency-retained expenses otherwise budgeted.

(3) No money shall be paid from the liability account, except for defense costs, unless all proceeds available to the claimant from any valid and collectible liability insurance shall have been exhausted and unless:

(a) The claim shall have been reduced to final judgment in a court of competent jurisdiction; or

(b) The claim has been approved for payment.

(4) The liability account shall be financed through annual premiums assessed to state agencies, based on sound actuarial principles, and shall be for liability coverage in excess of agency-budgeted self-retention levels.

(5) Annual premium levels shall be determined by the risk manager. An actuarial study shall be conducted to assist in determining the appropriate level of funding.

(6) Disbursements for claims from the liability account shall be made to the claimant, or to the clerk of the court for judgments, upon written request to the state treasurer from the risk manager.

(7) The director may direct agencies to transfer moneys from other funds and accounts to the liability account if premiums are delinquent.

(8) The liability account shall not exceed fifty percent of the actuarial value of the outstanding liability as determined annually by the office of risk management (~~(division)~~). If the account exceeds the maximum amount



specified in this section, premiums may be adjusted by the office of risk management (~~(division)~~) in order to maintain the account balance at the maximum limits. If, after adjustment of premiums, the account balance remains above the limits specified, the excess amount shall be prorated back to the appropriate funds.

**Sec. 514.** RCW 4.92.150 and 2002 c 332 s 15 are each amended to read as follows:

After commencement of an action in a court of competent jurisdiction upon a claim against the state, or any of its officers, employees, or volunteers arising out of tortious conduct or pursuant to 42 U.S.C. Sec. 1981 et seq., or against a foster parent that the attorney general is defending pursuant to RCW 4.92.070, or upon petition by the state, the attorney general, with the prior approval of the office of risk management (~~(division)~~) and with the approval of the court, following such testimony as the court may require, may compromise and settle the same and stipulate for judgment against the state, the affected officer, employee, volunteer, or foster parent.

**Sec. 515.** RCW 4.92.160 and 2002 c 332 s 16 are each amended to read as follows:

Payment of claims and judgments arising out of tortious conduct or pursuant to 42 U.S.C. Sec. 1981 et seq. shall not be made by any agency or department of state government with the exception of the office of risk management (~~(division)~~), and that (~~(division)~~) office shall authorize and direct the payment of moneys only from the liability account whenever:

(1) The head or governing body of any agency or department of state or the designee of any such agency certifies to the office of risk management (~~(division)~~) that a claim has been settled; or

(2) The clerk of court has made and forwarded a certified copy of a final judgment in a court of competent jurisdiction and the attorney general certifies that the judgment is final and was entered in an action on a claim arising out of tortious conduct or under and pursuant to 42 U.S.C. Sec. 1981 et seq. Payment of a judgment shall be made to the clerk of the court for the benefit of the judgment creditors. Upon receipt of payment, the clerk shall satisfy the judgment against the state.

**Sec. 516.** RCW 4.92.210 and 2002 c 332 s 17 are each amended to read as follows:

(1) All liability claims arising out of tortious conduct or under 42 U.S.C. Sec. 1981 et seq. that the state of Washington or any of its officers, employees, or volunteers would be liable for shall be filed with the office of risk management (~~(division)~~).

(2) A centralized claim tracking system shall be maintained to provide agencies with accurate and timely data on the status of liability claims. Information in this claim file, other than the claim itself, shall be privileged and confidential.

(3) Standardized procedures shall be established for filing, reporting, processing, and adjusting claims, which includes the use of qualified claims management personnel.

(4) All claims shall be reviewed by the office of risk management (~~(division)~~) to determine an initial valuation, to delegate to the appropriate office

to investigate, negotiate, compromise, and settle the claim, or to retain that responsibility on behalf of and with the assistance of the affected state agency.

(5) All claims that result in a lawsuit shall be forwarded to the attorney general's office. Thereafter the attorney general and the office of risk management (~~(division)~~) shall collaborate in the investigation, denial, or settlement of the claim.

(6) Reserves shall be established for recognizing financial liability and monitoring effectiveness. The valuation of specific claims against the state shall be privileged and confidential.

(7) All settlements shall be approved by the responsible agencies, or their designees, prior to settlement.

**Sec. 517.** RCW 4.92.270 and 2002 c 332 s 21 are each amended to read as follows:

The risk manager shall develop procedures for standard indemnification agreements for state agencies to use whenever the agency agrees to indemnify, or be indemnified by, any person or party. The risk manager shall also develop guidelines for the use of indemnification agreements by state agencies. On request of the risk manager, an agency shall forward to the office of risk management (~~(division)~~) for review and approval any contract or agreement containing an indemnification agreement.

**Sec. 518.** RCW 4.92.280 and 1998 c 217 s 4 are each amended to read as follows:

If chapter 217, Laws of 1998 mandates an increased level of service by local governments, the local government may, under RCW 43.135.060 and chapter 4.92 RCW, submit claims for reimbursement by the legislature. The claims shall be subject to verification by the (~~(office of financial management)~~) department of enterprise services.

**Sec. 519.** RCW 10.92.020 and 2008 c 224 s 2 are each amended to read as follows:

(1) Tribal police officers under subsection (2) of this section shall be recognized and authorized to act as general authority Washington peace officers. A tribal police officer recognized and authorized to act as a general authority Washington peace officer under this section has the same powers as any other general authority Washington peace officer to enforce state laws in Washington, including the power to make arrests for violations of state laws.

(2) A tribal police officer may exercise the powers of law enforcement of a general authority Washington peace officer under this section, subject to the following:

(a) The appropriate sovereign tribal nation shall submit to the (~~(office of financial management)~~) department of enterprise services proof of public liability and property damage insurance for vehicles operated by the peace officers and police professional liability insurance from a company licensed to sell insurance in the state. For purposes of determining adequacy of insurance liability, the sovereign tribal government must submit with the proof of liability insurance a copy of the interlocal agreement between the sovereign tribal government and the local governments that have shared jurisdiction under this chapter where such an agreement has been reached pursuant to subsection (10) of this section.

(i) Within the thirty days of receipt of the information from the sovereign tribal nation, the ~~((office of financial management))~~ department of enterprise services shall either approve or reject the adequacy of insurance, giving consideration to the scope of the interlocal agreement. The adequacy of insurance under this chapter shall be subject to annual review by the ~~((state office of financial management))~~ department of enterprise services.

(ii) Each policy of insurance issued under this chapter must include a provision that the insurance shall be available to satisfy settlements or judgments arising from the tortious conduct of tribal police officers when acting in the capacity of a general authority Washington peace officer, and that to the extent of policy coverage neither the sovereign tribal nation nor the insurance carrier will raise a defense of sovereign immunity to preclude an action for damages under state or federal law, the determination of fault in a civil action, or the payment of a settlement or judgment arising from the tortious conduct.

(b) The appropriate sovereign tribal nation shall submit to the ~~((office of financial management))~~ department of enterprise services proof of training requirements for each tribal police officer. To be authorized as a general authority Washington peace officer, a tribal police officer must successfully complete the requirements set forth under RCW 43.101.157. Any applicant not meeting the requirements for certification as a tribal police officer may not act as a general authority Washington peace officer under this chapter. The criminal justice training commission shall notify the ~~((office of financial management))~~ department of enterprise services if:

(i) A tribal police officer authorized under this chapter as a general authority Washington state peace officer has been decertified pursuant to RCW 43.101.157; or

(ii) An appropriate sovereign tribal government is otherwise in noncompliance with RCW 43.101.157.

(3) A copy of any citation or notice of infraction issued, or any incident report taken, by a tribal police officer acting in the capacity of a general authority Washington peace officer as authorized by this chapter must be submitted within three days to the police chief or sheriff within whose jurisdiction the action was taken. Any citation issued under this chapter shall be to a Washington court, except that any citation issued to Indians within the exterior boundaries of an Indian reservation may be cited to a tribal court. Any arrest made or citation issued not in compliance with this chapter is not enforceable.

(4) Any authorization granted under this chapter shall not in any way expand the jurisdiction of any tribal court or other tribal authority.

(5) The authority granted under this chapter shall be coextensive with the exterior boundaries of the reservation, except that an officer commissioned under this section may act as authorized under RCW 10.93.070 beyond the exterior boundaries of the reservation.

(6) For purposes of civil liability under this chapter, a tribal police officer shall not be considered an employee of the state of Washington or any local government except where a state or local government has deputized a tribal police officer as a specially commissioned officer. Neither the state of Washington and its individual employees nor any local government and its individual employees shall be liable for the authorization of tribal police officers

under this chapter, nor for the negligence or other misconduct of tribal officers. The authorization of tribal police officers under this chapter shall not be deemed to have been a nondelegable duty of the state of Washington or any local government.

(7) Nothing in this chapter impairs or affects the existing status and sovereignty of those sovereign tribal governments whose traditional lands and territories lie within the borders of the state of Washington as established under the laws of the United States.

(8) Nothing in this chapter limits, impairs, or nullifies the authority of a county sheriff to appoint duly commissioned state or federally certified tribal police officers as deputy sheriffs authorized to enforce the criminal and traffic laws of the state of Washington.

(9) Nothing in this chapter limits, impairs, or otherwise affects the existing authority under state or federal law of state or local law enforcement officers to enforce state law within the exterior boundaries of an Indian reservation or to enter Indian country in fresh pursuit, as defined in RCW 10.93.120, of a person suspected of violating state law, where the officer would otherwise not have jurisdiction.

(10) An interlocal agreement pursuant to chapter 39.34 RCW is required between the sovereign tribal government and all local government law enforcement agencies that will have shared jurisdiction under this chapter prior to authorization taking effect under this chapter. Nothing in this chapter shall limit, impair, or otherwise affect the implementation of an interlocal agreement completed pursuant to chapter 39.34 RCW by July 1, 2008, between a sovereign tribal government and a local government law enforcement agency for cooperative law enforcement.

(a) Sovereign tribal governments that meet all of the requirements of subsection (2) of this section, but do not have an interlocal agreement pursuant to chapter 39.34 RCW and seek authorization under this chapter, may submit proof of liability insurance and training certification to the ~~((office of financial management))~~ department of enterprise services. Upon confirmation of receipt of the information from the ~~((office of financial management))~~ department of enterprise services, the sovereign tribal government and the local government law enforcement agencies that will have shared jurisdiction under this chapter have one year to enter into an interlocal agreement pursuant to chapter 39.34 RCW. If the sovereign tribal government and the local government law enforcement agencies that will have shared jurisdiction under this chapter are not able to reach agreement after one year, the sovereign tribal governments and the local government law enforcement agencies shall submit to binding arbitration pursuant to chapter 7.04A RCW with the American arbitration association or successor agency for purposes of completing an agreement prior to authorization going into effect.

(b) For the purposes of (a) of this subsection, those sovereign tribal government and local government law enforcement agencies that must enter into binding arbitration shall submit to last best offer arbitration. For purposes of accepting a last best offer, the arbitrator must consider other interlocal agreements between sovereign tribal governments and local law enforcement agencies in Washington state, any model policy developed by the Washington

association of sheriffs and police chiefs or successor agency, and national best practices.

**Sec. 520.** RCW 48.62.021 and 2004 c 255 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Local government entity" or "entity" means every unit of local government, both general purpose and special purpose, and includes, but is not limited to, counties, cities, towns, port districts, public utility districts, water-sewer districts, school districts, fire protection districts, irrigation districts, metropolitan municipal corporations, conservation districts, and other political subdivisions, governmental subdivisions, municipal corporations, and quasi-municipal corporations.

(2) "Risk assumption" means a decision to absorb the entity's financial exposure to a risk of loss without the creation of a formal program of advance funding of anticipated losses.

(3) "Self-insurance" means a formal program of advance funding and management of entity financial exposure to a risk of loss that is not transferred through the purchase of an insurance policy or contract.

(4) "Health and welfare benefits" means a plan or program established by a local government entity or entities for the purpose of providing its employees and their dependents, and in the case of school districts, its district employees, students, directors, or any of their dependents, with health care, accident, disability, death, and salary protection benefits.

(5) "Property and liability risks" includes the risk of property damage or loss sustained by a local government entity and the risk of claims arising from the tortious or negligent conduct or any error or omission of the local government entity, its officers, employees, agents, or volunteers as a result of which a claim may be made against the local government entity.

(6) "State risk manager" means the risk manager of the office of risk management (~~(division)~~) within the (~~(office of financial management)~~) department of enterprise services.

(7) "Nonprofit corporation" or "corporation" has the same meaning as defined in RCW 24.03.005(3).

**Sec. 521.** RCW 48.64.010 and 2009 c 314 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Affordable housing" means housing projects in which some of the dwelling units may be purchased or rented on a basis that is affordable to households with an income of eighty percent or less of the county median family income, adjusted for family size.

(2) "Affordable housing entity" means any of the following:

(a) A housing authority created under the laws of this state or another state and any agency or instrumentality of a housing authority including, but not limited to, a legal entity created to conduct a joint self-insurance program for housing authorities that is operating in accordance with chapter 48.62 RCW;

(b) A nonprofit corporation, whether organized under the laws of this state or another state, that is engaged in providing affordable housing and is necessary for the completion, management, or operation of a project because of its access to funding sources that are not available to a housing authority, as described in this section; or

(c) A general or limited partnership or limited liability company, whether organized under the laws of this state or another state, that is engaged in providing affordable housing as defined in this section. A partnership or limited liability company may only be considered an affordable housing entity if a housing authority or nonprofit corporation, as described in this subsection, satisfies any of the following conditions: (i) It has, or has the right to acquire, a financial or ownership interest in the partnership or limited liability company; (ii) it possesses the power to direct management or policies of the partnership or limited liability company; or (iii) it has entered into a contract to lease, manage, or operate the affordable housing owned by the partnership or limited liability company.

(3) "Property and liability risks" includes the risk of property damage or loss sustained by an affordable housing entity and the risk of claims arising from the tortious or negligent conduct or any error or omission of the entity, its officers, employees, agents, or volunteers as a result of which a claim may be made against the entity.

(4) "Self-insurance" means a formal program of advance funding and management of entity financial exposure to a risk of loss that is not transferred through the purchase of an insurance policy or contract.

(5) "State risk manager" means the risk manager of the office of risk management (~~(division)~~) within the (~~(office of financial management)~~) department of enterprise services.

**Sec. 522.** RCW 39.29.011 and 2009 c 486 s 7 are each amended to read as follows:

All personal service contracts shall be entered into pursuant to competitive solicitation, except for:

- (1) Emergency contracts;
- (2) Sole source contracts;
- (3) Contract amendments;

(4) Contracts between a consultant and an agency of less than twenty thousand dollars. However, contracts of five thousand dollars or greater but less than twenty thousand dollars shall have documented evidence of competition, which must include agency posting of the contract opportunity on the state's common vendor registration and bid notification system. Agencies shall not structure contracts to evade these requirements; and

(5) Other specific contracts or classes or groups of contracts exempted from the competitive solicitation process by the director of the (~~(office of financial management)~~) department of enterprise services when it has been determined that a competitive solicitation process is not appropriate or cost-effective.

**Sec. 523.** RCW 39.29.016 and 1998 c 101 s 4 are each amended to read as follows:

Emergency contracts shall be filed with the (~~(office of financial management)~~) department of enterprise services and made available for public

inspection within three working days following the commencement of work or execution of the contract, whichever occurs first. Documented justification for emergency contracts shall be provided to the ~~((office of financial management))~~ department of enterprise services when the contract is filed.

**Sec. 524.** RCW 39.29.018 and 2009 c 486 s 8 are each amended to read as follows:

(1) Sole source contracts shall be filed with the ~~((office of financial management))~~ department of enterprise services and made available for public inspection at least ten working days prior to the proposed starting date of the contract. Documented justification for sole source contracts shall be provided to the ~~((office of financial management))~~ department of enterprise services when the contract is filed, and must include evidence that the agency posted the contract opportunity on the state's common vendor registration and bid notification system. For sole source contracts of twenty thousand dollars or more, documented justification shall also include evidence that the agency attempted to identify potential consultants by advertising through statewide or regional newspapers.

(2) The ~~((office of financial management))~~ department of enterprise services shall approve sole source contracts of twenty thousand dollars or more before any such contract becomes binding and before any services may be performed under the contract. These requirements shall also apply to sole source contracts of less than twenty thousand dollars if the total amount of such contracts between an agency and the same consultant is twenty thousand dollars or more within a fiscal year. Agencies shall ensure that the costs, fees, or rates negotiated in filed sole source contracts of twenty thousand dollars or more are reasonable.

**Sec. 525.** RCW 39.29.025 and 1998 c 101 s 6 are each amended to read as follows:

(1) Substantial changes in either the scope of work specified in the contract or in the scope of work specified in the formal solicitation document must generally be awarded as new contracts. Substantial changes executed by contract amendments must be submitted to the ~~((office of financial management))~~ department of enterprise services, and are subject to approval by the ~~((office of financial management))~~ department of enterprise services.

(2) An amendment or amendments to personal service contracts, if the value of the amendment or amendments, whether singly or cumulatively, exceeds fifty percent of the value of the original contract must be provided to the ~~((office of financial management))~~ department of enterprise services.

(3) The ~~((office of financial management))~~ department of enterprise services shall approve amendments provided to it under this section before the amendments become binding and before services may be performed under the amendments.

(4) The amendments must be filed with the ~~((office of financial management))~~ department of enterprise services and made available for public inspection at least ten working days prior to the proposed starting date of services under the amendments.

(5) The ~~((office of financial management))~~ department of enterprise services shall approve amendments provided to it under this section only if they meet the

criteria for approval of the amendments established by the director of the ~~((office of financial management))~~ department of enterprise services.

**Sec. 526.** RCW 39.29.055 and 1998 c 101 s 8 are each amended to read as follows:

(1) Personal service contracts subject to competitive solicitation shall be (a) filed with the ~~((office of financial management))~~ department of enterprise services and made available for public inspection; and (b) reviewed and approved by the ~~((office of financial management))~~ department of enterprise services when those contracts provide services relating to management consulting, organizational development, marketing, communications, employee training, or employee recruiting.

(2) Personal service contracts subject to competitive solicitation that provide services relating to management consulting, organizational development, marketing, communications, employee training, or employee recruiting shall be made available for public inspection at least ten working days before the proposed starting date of the contract. All other contracts shall be effective no earlier than the date they are filed with the ~~((office of financial management))~~ department of enterprise services.

**Sec. 527.** RCW 39.29.065 and 2009 c 486 s 9 are each amended to read as follows:

To implement this chapter, the director of the ~~((office of financial management))~~ department of enterprise services shall establish procedures for the competitive solicitation and award of personal service contracts, recordkeeping requirements, and procedures for the reporting and filing of contracts. The director shall develop procurement policies and procedures, such as unbundled contracting and subcontracting, that encourage and facilitate the purchase of products and services by state agencies and institutions from Washington small businesses to the maximum extent practicable and consistent with international trade agreement commitments. For reporting purposes, the director may establish categories for grouping of contracts. The procedures required under this section shall also include the criteria for amending personal service contracts. At the beginning of each biennium, the director may, by administrative policy, adjust the dollar thresholds prescribed in RCW 39.29.011, 39.29.018, and 39.29.040 to levels not to exceed the percentage increase in the implicit price deflator. Adjusted dollar thresholds shall be rounded to the nearest five hundred dollar increment.

**Sec. 528.** RCW 39.29.068 and 1998 c 245 s 33 and 1998 c 101 s 10 are each reenacted and amended to read as follows:

The ~~((office of financial management))~~ department of enterprise services shall maintain a publicly available list of all personal service contracts entered into by state agencies during each fiscal year. The list shall identify the contracting agency, the contractor, the purpose of the contract, effective dates and periods of performance, the cost of the contract and funding source, any modifications to the contract, and whether the contract was competitively procured or awarded on a sole source basis. The ~~((office of financial management))~~ department of enterprise services shall also ensure that state accounting definitions and procedures are consistent with RCW 39.29.006 and permit the reporting of personal services expenditures by agency and by type of



service. Designations of type of services shall include, but not be limited to, management and organizational services, legal and expert witness services, financial services, computer and information services, social or technical research, marketing, communications, and employee training or recruiting services. The (~~office of financial management~~) department of enterprise services shall report annually to the fiscal committees of the senate and house of representatives on sole source contracts filed under this chapter. The report shall describe: (1) The number and aggregate value of contracts for each category established in this section; (2) the number and aggregate value of contracts of five thousand dollars or greater but less than twenty thousand dollars; (3) the number and aggregate value of contracts of twenty thousand dollars or greater; (4) the justification provided by agencies for the use of sole source contracts; and (5) any trends in the use of sole source contracts.

**Sec. 529.** RCW 39.29.075 and 1987 c 414 s 9 are each amended to read as follows:

As requested by the legislative auditor, the (~~office of financial management~~) department of enterprise services shall provide information on contracts filed under this chapter for use in preparation of summary reports on personal services contracts.

**Sec. 530.** RCW 39.29.090 and 1998 c 101 s 11 are each amended to read as follows:

Personal service contracts awarded by institutions of higher education from nonstate funds do not have to be filed in advance and approved by the (~~office of financial management~~) department of enterprise services. Any such contract is subject to all other requirements of this chapter, including the requirements under RCW 39.29.068 for annual reporting of personal service contracts to the (~~office of financial management~~) department of enterprise services.

**Sec. 531.** RCW 39.29.100 and 2002 c 260 s 7 are each amended to read as follows:

(1) The (~~office of financial management~~) department of enterprise services shall adopt uniform guidelines for the effective and efficient management of personal service contracts and client service contracts by all state agencies. The guidelines must, at a minimum, include:

(a) Accounting methods, systems, measures, and principles to be used by agencies and contractors;

(b) Precontract procedures for selecting potential contractors based on their qualifications and ability to perform;

(c) Incorporation of performance measures and measurable benchmarks in contracts, and the use of performance audits;

(d) Uniform contract terms to ensure contract performance and compliance with state and federal standards;

(e) Proper payment and reimbursement methods to ensure that the state receives full value for taxpayer moneys, including cost settlements and cost allowance;

(f) Postcontract procedures, including methods for recovering improperly spent or overspent moneys for disallowance and adjustment;

(g) Adequate contract remedies and sanctions to ensure compliance;

(h) Monitoring, fund tracking, risk assessment, and auditing procedures and requirements;

(i) Financial reporting, record retention, and record access procedures and requirements;

(j) Procedures and criteria for terminating contracts for cause or otherwise; and

(k) Any other subject related to effective and efficient contract management.

(2) The (~~office of financial management~~) department of enterprise services shall submit the guidelines required by subsection (1) of this section to the governor and the appropriate standing committees of the legislature no later than December 1, 2002.

(3) The (~~office of financial management~~) department of enterprise services shall publish a guidebook for use by state agencies containing the guidelines required by subsection (1) of this section.

**Sec. 532.** RCW 39.29.110 and 2002 c 260 s 8 are each amended to read as follows:

(1) A state agency entering into or renewing personal service contracts or client service contracts shall follow the guidelines required by RCW 39.29.100.

(2) A state agency that has entered into or renewed personal service contracts or client service contracts during a calendar year shall, on or before January 1st of the following calendar year, provide the (~~office of financial management~~) department of enterprise services with a report detailing the procedures the agency employed in entering into, renewing, and managing the contracts.

(3) The provisions of this section apply to state agencies entering into or renewing contracts after January 1, 2003.

**Sec. 533.** RCW 39.29.120 and 2002 c 260 s 9 are each amended to read as follows:

(1) The (~~office of financial management~~) department of enterprise services shall provide a training course for agency personnel responsible for executing and managing personal service contracts and client service contracts. The course must contain training on effective and efficient contract management under the guidelines established under RCW 39.29.100. State agencies shall require agency employees responsible for executing or managing personal service contracts and client service contracts to complete the training course to the satisfaction of the (~~office of financial management~~) department of enterprise services. Beginning January 1, 2004, no agency employee may execute or manage personal service contracts or client service contracts unless the employee has completed the training course. Any request for exception to this requirement shall be submitted to the (~~office of financial management~~) department of enterprise services in writing and shall be approved by the (~~office of financial management~~) department of enterprise services prior to the employee executing or managing the contract.

(2)(a) The (~~office of financial management~~) department of enterprise services shall conduct risk-based audits of the contracting practices associated with individual personal service and client service contracts from multiple state agencies to ensure compliance with the guidelines established in RCW 39.29.110. The (~~office of financial management~~) department of enterprise

services shall conduct the number of audits deemed appropriate by the director of the ~~((office of financial management))~~ department of enterprise services based on funding provided.

(b) The ~~((office of financial management))~~ department of enterprise services shall forward the results of the audits conducted under this section to the governor, the appropriate standing committees of the legislature, and the joint legislative audit and review committee.

**Sec. 534.** RCW 43.88.580 and 2008 c 326 s 3 are each amended to read as follows:

(1) The ~~((office of financial management))~~ department of enterprise services shall make electronically available to the public a database of state agency contracts for personal services required to be filed with the ~~((office of financial management))~~ department of enterprise services under chapter 39.29 RCW.

(2) The state expenditure information web site described in RCW 44.48.150 shall include a link to the ~~((office of financial management))~~ department of enterprise services database described in subsection (1) of this section.

**NEW SECTION. Sec. 535.** RCW 43.41.280, 43.41.290, 43.41.300, 43.41.310, 43.41.320, 43.41.330, 43.41.340, 43.41.350, and 43.41.360 are each recodified as sections in chapter 43.19 RCW.

## PART VI POWERS AND DUTIES TRANSFERRED FROM THE DEPARTMENT OF INFORMATION SERVICES

**Sec. 601.** RCW 43.105.080 and 2010 1st sp.s. c 37 s 931 are each amended to read as follows:

There is created a revolving fund to be known as the data processing revolving fund in the custody of the state treasurer. The revolving fund shall be used for the acquisition of equipment, software, supplies, and services and the payment of salaries, wages, and other costs incidental to the acquisition, development, operation, and administration of information services, telecommunications, systems, software, supplies and equipment, including the payment of principal and interest on bonds issued for capital projects, by the department, Washington State University's computer services center, the department of ~~((personnel's))~~ enterprise services' personnel information systems ~~((division, the office of financial management's))~~ group and financial systems management group, and other users as ~~((jointly))~~ determined by the ~~((department and the))~~ office of financial management. The revolving fund is subject to the allotment procedure provided under chapter 43.88 RCW. The chief information officer or the chief information officer's designee, with the approval of the technology services board, is authorized to expend up to one million dollars per fiscal biennium for the technology services board to conduct independent technical and financial analysis of proposed information technology projects, and such an expenditure does not require an appropriation. Disbursements from the revolving fund for the services component of the department are not subject to appropriation. Disbursements for the strategic planning and policy component of the department are subject to appropriation. All disbursements from the fund are subject to the allotment procedures provided under chapter

43.88 RCW. The department shall establish and implement a billing structure to assure all agencies pay an equitable share of the costs.

During the 2009-2011 fiscal biennium, the legislature may transfer from the data processing revolving account to the state general fund such amounts as reflect the excess fund balance associated with the information technology pool.

As used in this section, the word "supplies" shall not be interpreted to delegate or abrogate the division of purchasing's responsibilities and authority to purchase supplies as described in RCW 43.19.190 and 43.19.200.

**Sec. 602.** RCW 43.105.320 and 1999 c 287 s 18 are each amended to read as follows:

The department of ~~((information))~~ enterprise services may become a licensed certification authority, under chapter 19.34 RCW, for the purpose of providing services to agencies, local governments, and other entities and persons for purposes of official state business. The department is not subject to RCW 19.34.100(1)(a). The department shall only issue certificates, as defined in RCW 19.34.020, in which the subscriber is:

- (1) The state of Washington or a department, office, or agency of the state;
- (2) A city, county, district, or other municipal corporation, or a department, office, or agency of the city, county, district, or municipal corporation;
- (3) An agent or employee of an entity described by subsection (1) or (2) of this section, for purposes of official public business;
- (4) Any other person or entity engaged in matters of official public business, however, such certificates shall be limited only to matters of official public business. The department may issue certificates to such persons or entities only if after issuing a request for proposals from certification authorities licensed under chapter 19.34 RCW and review of the submitted proposals, makes a determination that such private services are not sufficient to meet the department's published requirements. The department must set forth in writing the basis of any such determination and provide procedures for challenge of the determination as provided by the state procurement requirements; or
- (5) An applicant for a license as a certification authority for the purpose of compliance with RCW 19.34.100(1)(a).

**Sec. 603.** RCW 43.105.370 and 2009 c 509 s 2 are each amended to read as follows:

(1) The broadband mapping account is established in the custody of the state treasurer. The department shall deposit into the account such funds received from legislative appropriation, federal ~~((grants authorized under the federal broadband data improvement act, P.L. 110-385, Title I))~~ funding, and donated funds from private and public sources. Expenditures from the account may be used only for the purposes of RCW 43.105.372 through 43.105.376 (as recodified by this act). Only the director of the department or the director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) The department ~~((of information services))~~ is the single eligible entity in the state for purposes of the federal broadband ~~((data improvement act, P.L. 110-385, Title I))~~ mapping activities.

(3) Federal funding received by the department (~~((under the federal broadband data improvement act, P.L. 110-385, Title I,))~~) for broadband mapping activities must be used in accordance with ~~((the))~~ any federal requirements (~~((of that act))~~) and, subject to those requirements, may be distributed by the department on a competitive basis to other entities in the state (~~((to achieve the purposes of that act))~~).

(4) The department (~~((of information services))~~) shall consult with ~~((the department of community, trade, and economic development or its successor agency,))~~ the office of financial management~~((;))~~ and the utilities and transportation commission in coordinating broadband mapping activities. In carrying out any broadband mapping activities, the provisions of P.L. 110-385, Title I, regarding trade secrets, commercial or financial information, and privileged or confidential information submitted by the federal communications commission or a broadband provider are deemed to encompass the consulted agencies.

**Sec. 604.** RCW 43.105.372 and 2009 c 509 s 3 are each amended to read as follows:

(1) Subject to the availability of federal or state funding, the department may:

(a) Develop an interactive web site to allow residents to self-report whether high-speed internet is available at their home or residence and at what speed; and

(b) Conduct a detailed survey of all high-speed internet infrastructure owned or leased by state agencies and (~~((creating [create]))~~) create a geographic information system map of all high-speed internet infrastructure owned or leased by the state.

(2) State agencies responding to a survey request from the department under subsection (1)(b) of this section shall respond in a reasonable and timely manner, not to exceed one hundred twenty days. The department shall request of state agencies, at a minimum:

(a) The total bandwidth of high-speed internet infrastructure owned or leased;

(b) The cost of maintaining that high-speed internet infrastructure, if owned, or the price paid for the high-speed internet infrastructure, if leased; and

(c) The leasing entity, if applicable.

(3) The department may adopt rules as necessary to carry out the provisions of this section.

(4) For purposes of this section, "state agency" includes every state office, department, division, bureau, board, commission, or other state agency.

**Sec. 605.** RCW 43.105.374 and 2009 c 509 s 4 are each amended to read as follows:

(1) The department is authorized, through a competitive bidding process, to procure on behalf of the state a geographic information system map detailing high-speed internet infrastructure, service availability, and adoption. This geographic information system map may include adoption information, availability information, type of high-speed internet deployment technology, and available speed tiers for high-speed internet based on any publicly available data.

(2) The department may procure this map either by:

(a) Contracting for and purchasing a completed map or updates to a map from a third party; or

(b) Working directly with the federal communications commission to accept publicly available data.

(3) The department shall establish an accountability and oversight structure to ensure that there is transparency in the bidding and contracting process and full financial and technical accountability for any information or actions taken by a third-party contractor creating this map.

(4) In contracting for purchase of the map or updates to a map in subsection (2)(a) of this section, the department may take no action, nor impose any condition on the third party, that causes any record submitted by a public or private broadband service provider to the third party to meet the standard of a public record as defined in RCW 42.56.010. This prohibition does not apply to any records delivered to the department by the third party as a component of the ~~((completed))~~ map. For the purpose of RCW 42.56.010~~((2))~~ (3), the purchase by the department of a completed map or updates to a map may not be deemed use or ownership by the department of the underlying information used by the third party to complete the map.

(5) Data or information that is publicly available as of July 1, 2009, will not cease to be publicly available due to any provision of chapter 509, Laws of 2009.

**Sec. 606.** RCW 43.105.376 and 2009 c 509 s 5 are each amended to read as follows:

(1) The department, in coordination with ~~((the department of community, trade, and economic development and))~~ the utilities and transportation commission, and such advisors as the department chooses, may prepare regular reports that identify the following:

(a) The geographic areas of greatest priority for the deployment of advanced telecommunications infrastructure in the state;

(b) A detailed explanation of how any amount of funding received from the federal government for the purposes of broadband mapping, deployment, and adoption will be or have been used; and

(c) A determination of how nonfederal sources may be utilized to achieve the purposes of broadband mapping, deployment, and adoption activities in the state.

(2) To the greatest extent possible, the initial report should be based upon the information identified in the geographic system maps developed under the requirements of this chapter.

(3) The initial report should be delivered to the appropriate committees of the legislature as soon as feasible, but no later than January 18, 2010.

(4) Any future reports prepared by the department based upon the requirements of subsection (1) of this section should be delivered to the appropriate committees of the legislature by January 15th of each year.

**Sec. 607.** RCW 43.105.380 and 2009 c 509 s 6 are each amended to read as follows:

The community technology opportunity program is created to support the efforts of community technology programs throughout the state. The community technology opportunity program must be administered by the

department (~~(of information services)~~). The department may contract for services in order to carry out the department's obligations under this section.

(1) In implementing the community technology opportunity program the ~~((administrator))~~ director must, to the extent funds are appropriated for this purpose:

(a) Provide organizational and capacity building support to community technology programs throughout the state, and identify and facilitate the availability of other public and private sources of funds to enhance the purposes of the program and the work of community technology programs. No more than fifteen percent of funds received by the ~~((administrator))~~ director for the program may be expended on these functions;

(b) Establish a competitive grant program and provide grants to community technology programs to provide training and skill-building opportunities; access to hardware and software; internet connectivity; digital media literacy; assistance in the adoption of information and communication technologies in low-income and underserved areas of the state; and development of locally relevant content and delivery of vital services through technology.

(2) Grant applicants must:

(a) Provide evidence that the applicant is a nonprofit entity or a public entity that is working in partnership with a nonprofit entity;

(b) Define the geographic area or population to be served;

(c) Include in the application the results of a needs assessment addressing, in the geographic area or among the population to be served: The impact of inadequacies in technology access or knowledge, barriers faced, and services needed;

(d) Explain in detail the strategy for addressing the needs identified and an implementation plan including objectives, tasks, and benchmarks for the applicant and the role that other organizations will play in assisting the applicant's efforts;

(e) Provide evidence of matching funds and resources, which are equivalent to at least one-quarter of the grant amount committed to the applicant's strategy;

(f) Provide evidence that funds applied for, if received, will be used to provide effective delivery of community technology services in alignment with the goals of this program and to increase the applicant's level of effort beyond the current level; and

(g) Comply with such other requirements as the ~~((administrator))~~ director establishes.

(3) The ~~((administrator))~~ director may use no more than ten percent of funds received for the community technology opportunity program to cover administrative expenses.

(4) The ~~((administrator))~~ director must establish expected program outcomes for each grant recipient and must require grant recipients to provide an annual accounting of program outcomes.

**Sec. 608.** RCW 43.105.382 and 2009 c 509 s 8 are each amended to read as follows:

The Washington community technology opportunity account is established in the state treasury. The governor or the governor's designee and the director or the director's designee shall deposit into the account federal grants to the state ~~((authorized under Division B, Title VI of the American recovery and~~

~~reinvestment act of 2009~~)), legislative appropriations, and donated funds from private and public sources for purposes related to broadband deployment and adoption, including matching funds required by the act. Donated funds from private and public sources may be deposited into the account. Expenditures from the account may be used only as matching funds for federal and other grants to fund the operation of the community technology opportunity program under this chapter, and to fund other broadband-related activities authorized in chapter 509, Laws of 2009. Only the director or the director's designee may authorize expenditures from the account.

**Sec. 609.** RCW 43.105.390 and 2009 c 509 s 9 are each amended to read as follows:

(1) The governor may take all appropriate steps to ~~((carry out the purposes of Division B, Title VI of the American recovery and reinvestment act of 2009, P.L. 111-5, and))~~ seek federal funding in order to maximize investment in broadband deployment and adoption in the state of Washington ~~((consistent with chapter 509, Laws of 2009))~~. Such steps may include the designation of a broadband deployment and adoption coordinator; review and prioritization of grant applications by public and private entities as directed by the national telecommunications and information administration, the rural utility services, and the federal communications commission; disbursement of block grant funding; and direction to state agencies to provide staffing as necessary to carry out this section. The authority for overseeing broadband adoption and deployment efforts on behalf of the state is vested in the department.

(2) The department may apply for federal funds and other grants or donations, may deposit such funds in the Washington community technology opportunity account created in RCW 43.105.382 ~~(as recodified by this act)~~, may oversee implementation of federally funded or mandated broadband programs for the state and may adopt rules to administer the programs. These programs may include but are not limited to the following:

(a) Engaging in periodic statewide surveys of residents, businesses, and nonprofit organizations concerning their use and adoption of high-speed internet, computer, and related information technology for the purpose of identifying barriers to adoption;

(b) Working with communities to identify barriers to the adoption of broadband service and related information technology services by individuals, nonprofit organizations, and businesses;

(c) Identifying broadband demand opportunities in communities by working cooperatively with local organizations, government agencies, and businesses;

(d) Creating, implementing, and administering programs to improve computer ownership, technology literacy, digital media literacy, and high-speed internet access for populations not currently served or underserved in the state. This may include programs to provide low-income families, community-based nonprofit organizations, nonprofit entities, and public entities that work in partnership with nonprofit entities to provide increased access to computers and broadband, with reduced cost internet access;

(e) Administering the community technology opportunity program under RCW 43.105.380 and 43.105.382 ~~(as recodified by this act)~~;

(f) Creating additional programs to spur the development of high-speed internet resources in the state;



(g) Establishing technology literacy and digital inclusion programs and establishing low-cost hardware, software, and internet purchasing programs that may include allowing participation by community technology programs in state purchasing programs; and

(h) Developing technology loan programs targeting small businesses or businesses located in unserved and underserved areas.

**Sec. 610.** RCW 43.105.400 and 2009 c 509 s 10 are each amended to read as follows:

~~((+))~~ Subject to the availability of federal or state funding, the department may ~~((reconvene the high speed internet work group previously established by chapter 262, Laws of 2008. The work group is renamed the advisory council on digital inclusion, and is))~~ convene an advisory group ~~((to the department))~~ on digital inclusion and technology planning. The ~~((council must))~~ advisory group may include, but is not limited to, volunteer representatives from community technology organizations, telecommunications providers, higher education institutions, K-12 education institutions, public health institutions, public housing entities, and local government and other governmental entities that are engaged in community technology activities.

~~((2))~~ The council shall prepare a report by January 15th of each year and submit it to the department, the governor, and the appropriate committees of the legislature. The report must contain:

~~(a) An analysis of how support from public and private sector partnerships, the philanthropic community, and other not for profit organizations in the community, along with strong relationships with the state board for community and technical colleges, the higher education coordinating board, and higher education institutions, could establish a variety of high speed internet access alternatives for citizens;~~

~~(b) Proposed strategies for continued broadband deployment and adoption efforts, as well as further development of advanced telecommunications applications;~~

~~(c) Recommendations on methods for maximizing the state's research and development capacity at universities and in the private sector for developing advanced telecommunications applications and services, and recommendations on incentives to stimulate the demand for and development of these applications and services;~~

~~(d) An identification of barriers that hinder the advancement of technology entrepreneurship in the state; and~~

~~(e) An evaluation of programs designed to advance digital literacy and computer access that are made available by the federal government, local agencies, telecommunications providers, and business and charitable entities.)~~

**Sec. 611.** RCW 41.07.030 and 1975 1st ex.s. c 239 s 3 are each amended to read as follows:

The costs of administering, maintaining, and operating the central personnel-payroll system shall be distributed to the using state agencies. In order to insure proper and equitable distribution of costs the department of personnel shall utilize cost accounting procedures to identify all costs incurred in the administration, maintenance, and operation of the central personnel-payroll system. In order to facilitate proper and equitable distribution of costs to the

using state agencies the department of personnel is authorized to utilize the data processing revolving fund created by RCW 43.105.080 (as recodified by this act) and the (~~department of~~) personnel service fund created by RCW 41.06.280.

**Sec. 612.** RCW 43.99I.040 and 1997 c 456 s 39 are each amended to read as follows:

(1) On each date on which any interest or principal and interest payment is due on bonds issued for the purposes of RCW 43.99I.020(4), the state treasurer shall transfer from property taxes in the state general fund levied for this support of the common schools under RCW 84.52.065 to the general fund of the state treasury for unrestricted use the amount computed in RCW 43.99I.030 for the bonds issued for the purposes of RCW 43.99I.020(4).

(2) On each date on which any interest or principal and interest payment is due on bonds issued for the purposes of RCW 43.99I.020(5), the state treasurer shall transfer from higher education operating fees deposited in the general fund to the general fund of the state treasury for unrestricted use, or if chapter 231, Laws of 1992 (Senate Bill No. 6285) becomes law and changes the disposition of higher education operating fees from the general fund to another account, the state treasurer shall transfer the proportional share from the University of Washington operating fees account, the Washington State University operating fees account, and the Central Washington University operating fees account the amount computed in RCW 43.99I.030 for the bonds issued for the purposes of RCW 43.99I.020(6).

(3) On each date on which any interest or principal and interest payment is due on bonds issued for the purposes of RCW 43.99I.020(6), the state treasurer shall transfer from the data processing revolving fund created in RCW 43.105.080 (as recodified by this act) to the general fund of the state treasury the amount computed in RCW 43.99I.030 for the bonds issued for the purposes of RCW 43.99I.020(6).

(4) On each date on which any interest or principal and interest payment is due on bonds issued for the purpose of RCW 43.99I.020(7), the Washington state dairy products commission shall cause the amount computed in RCW 43.99I.030 for the bonds issued for the purposes of RCW 43.99I.020(7) to be paid out of the commission's general operating fund to the state treasurer for deposit into the general fund of the state treasury.

(5) The higher education operating fee accounts for the University of Washington, Washington State University, and Central Washington University established by chapter 231, Laws of 1992 and repealed by chapter 18, Laws of 1993 1st sp. sess. are reestablished in the state treasury for purposes of fulfilling debt service reimbursement transfers to the general fund required by bond resolutions and covenants for bonds issued for purposes of RCW 43.99I.020(5).

(6) For bonds issued for purposes of RCW 43.99I.020(5), on each date on which any interest or principal and interest payment is due, the board of regents or board of trustees of the University of Washington, Washington State University, or Central Washington University shall cause the amount as determined by the state treasurer to be paid out of the local operating fee account for deposit by the universities into the state treasury higher education operating fee accounts. The state treasurer shall transfer the proportional share from the University of Washington operating fees account, the Washington State

University operating fees account, and the Central Washington University operating fees account the amount computed in RCW 43.99I.030 for the bonds issued for the purposes of RCW 43.99I.020(6) to reimburse the general fund.

**NEW SECTION. Sec. 613.** The following acts or parts of acts are each repealed:

(1) RCW 43.105.300 (Education in use of technology encouraged) and 1996 c 171 s 14; and

(2) RCW 43.105.360 (Web directory—Public community technology programs) and 2008 c 262 s 5.

**NEW SECTION. Sec. 614.** RCW 43.105.080, 43.105.320, and 43.105.410 are each recodified as sections in chapter 43.19 RCW.

**NEW SECTION. Sec. 615.** RCW 43.105.370, 43.105.372, 43.105.374, 43.105.376, 43.105.380, 43.105.382, 43.105.390, and 43.105.400 are each recodified as sections in chapter 43.330 RCW.

## **PART VII CREATING THE OFFICE OF CHIEF INFORMATION OFFICER**

**NEW SECTION. Sec. 701.** Information technology is a tool used by state agencies to improve their ability to deliver public services efficiently and effectively. Advances in information technology -including advances in hardware, software, and business processes for implementing and managing these resources - offer new opportunities to improve the level of support provided to citizens and state agencies and to reduce the per-transaction cost of these services. These advances are one component in the process of reengineering how government delivers services to citizens.

To fully realize the service improvements and cost efficiency from the effective application of information technology to its business processes, state government must establish decision-making structures that connect business processes and information technology in an operating model. Many of these business practices transcend individual agency processes and should be worked at the enterprise level. To do this requires an effective partnership of executive management, business processes owners, and providers of support functions necessary to efficiently and effectively deliver services to citizens.

To maximize the potential for information technology to contribute to government business process reengineering the state must establish clear central authority to plan, set enterprise standards, and provide project oversight and management analysis of the various aspects of a business process.

Establishing the office of chief information officer and partnering it with the director of financial management will provide state government with the cohesive structure necessary to develop improved operating models with agency directors and reengineer business process to enhance service delivery while capturing savings.

**NEW SECTION. Sec. 702.** (1) The office of the chief information officer is created within the office of financial management.

(2) Powers, duties, and functions assigned to the department of information services as specified in this chapter shall be transferred to the office of chief information officer as provided in this chapter.

(3) The primary duties of the office are:

(a) To prepare and lead the implementation of a strategic direction and enterprise architecture for information technology for state government;

(b) To enable the standardization and consolidation of information technology infrastructure across all state agencies to support enterprise-based system development and improve and maintain service delivery;

(c) To establish standards and policies for the consistent and efficient operation of information technology services throughout state government;

(d) To establish statewide enterprise architecture that will serve as the organizing standard for information technology for state agencies;

(e) Educate and inform state managers and policymakers on technological developments, industry trends and best practices, industry benchmarks that strengthen decision making and professional development, and industry understanding for public managers and decision makers.

(4) In the case of institutions of higher education, the powers of the office and the provisions of this chapter apply to business and administrative applications but do not apply to (a) academic and research applications; and (b) medical, clinical, and health care applications, including the business and administrative applications for such operations. However, institutions of higher education must disclose to the office any proposed academic applications that are enterprise-wide in nature relative to the needs and interests of other institutions of higher education.

(5) The legislature and the judiciary, which are constitutionally recognized as separate branches of government, are strongly encouraged to coordinate with the office and participate in shared services initiatives and the development of enterprise-based strategies, where appropriate.

**NEW SECTION. Sec. 703.** (1) The executive head and appointing authority of the office is the chief information officer. The chief information officer shall be appointed by the governor, subject to confirmation by the senate. The chief information officer shall serve at the pleasure of the governor. The chief information officer shall be paid a salary fixed by the governor. If a vacancy occurs in the position of chief information officer while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate at which time he or she shall present to that body his or her nomination for the position.

(2) The chief information officer may employ staff members, some of whom may be exempt from chapter 41.06 RCW, and any additional staff members as are necessary to administer this chapter, and such other duties as may be authorized by law. The chief information officer may delegate any power or duty vested in him or her by this chapter or other law.

(3) The internal affairs of the office shall be under the control of the chief information officer in order that the chief information officer may manage the office in a flexible and intelligent manner as dictated by changing contemporary circumstances. Unless specifically limited by law, the chief information officer shall have complete charge and supervisory powers over the office. The chief information officer may create such administrative structures as the chief information officer deems appropriate, except as otherwise specified by law, and the chief information officer may employ staff members as may be necessary in accordance with chapter 41.06 RCW, except as otherwise provided by law.

**NEW SECTION. Sec. 704.** The chief information officer shall:

(1) Supervise and administer the activities of the office of chief information officer;

(2) Exercise all the powers and perform all the duties prescribed by law with respect to the administration of this chapter including:

(a) Appoint such professional, technical, and clerical assistants and employees as may be necessary to perform the duties imposed by this chapter; and

(b) Report to the governor any matters relating to abuses and evasions of this chapter.

(3) In addition to other powers and duties granted, the chief information officer has the following powers and duties:

(a) Enter into contracts on behalf of the state to carry out the purposes of this chapter;

(b) Accept and expend gifts and grants that are related to the purposes of this chapter, whether such grants be of federal or other funds;

(c) Apply for grants from public and private entities, and receive and administer any grant funding received for the purpose and intent of this chapter;

(d) Adopt rules in accordance with chapter 34.05 RCW and perform all other functions necessary and proper to carry out the purposes of this chapter;

(e) Delegate powers, duties, and functions as the chief information officer deems necessary for efficient administration, but the chief information officer shall be responsible for the official acts of the officers and employees of the office; and

(f) Perform other duties as are necessary and consistent with law.

**NEW SECTION. Sec. 705.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Backbone network" means the shared high-density portions of the state's telecommunications transmission facilities. It includes specially conditioned high-speed communications carrier lines, multiplexors, switches associated with such communications lines, and any equipment and software components necessary for management and control of the backbone network.

(2) "Board" means the technology services board.

(3) "Committee" means the state interoperability executive committee.

(4) "Educational sectors" means those institutions of higher education, school districts, and educational service districts that use the network for distance education, data transmission, and other uses permitted by the board.

(5) "Enterprise architecture" means an ongoing program for translating business vision and strategy into effective enterprise change. It is a continuous activity. Enterprise architecture creates, communicates, and improves the key principles and models that describe the enterprise's future state and enable its evolution.

(6) "Equipment" means the machines, devices, and transmission facilities used in information processing, including but not limited to computers, terminals, telephones, wireless communications system facilities, cables, and any physical facility necessary for the operation of such equipment.

(7) "Information" includes, but is not limited to, data, text, voice, and video.

(8) "Information technology" includes, but is not limited to, all electronic technology systems and services, automated information handling, system

design and analysis, conversion of data, computer programming, information storage and retrieval, telecommunications, requisite system controls, simulation, electronic commerce, and all related interactions between people and machines.

(9) "Information technology portfolio" or "portfolio" means a strategic management process documenting relationships between agency missions and information technology and telecommunications investments.

(10) "K-20 network" means the network established in section 718 of this act.

(11) "Local governments" includes all municipal and quasi-municipal corporations and political subdivisions, and all agencies of such corporations and subdivisions authorized to contract separately.

(12) "Office" means the office of the chief information officer.

(13) "Oversight" means a process of comprehensive risk analysis and management designed to ensure optimum use of information technology resources and telecommunications.

(14) "Proprietary software" means that software offered for sale or license.

(15) "State agency" or "agency" means every state office, department, division, bureau, board, commission, or other state agency, including offices headed by a statewide elected official.

(16) "Telecommunications" includes, but is not limited to, wireless or wired systems for transport of voice, video, and data communications, network systems, requisite facilities, equipment, system controls, simulation, electronic commerce, and all related interactions between people and machines. "Telecommunications" does not include public safety communications.

### STANDARDS AND POLICIES

**NEW SECTION. Sec. 706.** (1) The chief information officer shall establish standards and policies to govern information technology in the state of Washington.

(2) The office shall have the following powers and duties related to information services:

(a) To develop statewide standards and policies governing the acquisition and disposition of equipment, software, and personal and purchased services, licensing of the radio spectrum by or on behalf of state agencies, and confidentiality of computerized data;

(b) To develop statewide or interagency technical policies, standards, and procedures;

(c) To review and approve standards and common specifications for new or expanded telecommunications networks proposed by agencies, public postsecondary education institutions, educational service districts, or statewide or regional providers of K-12 information technology services;

(d) To develop a detailed business plan for any service or activity to be contracted under RCW 41.06.142(7)(b) by the consolidated technology services agency;

(e) To provide direction concerning strategic planning goals and objectives for the state. The office shall seek input from the legislature and the judiciary; and

(f) To establish policies for the periodic review by the office of agency performance which may include but are not limited to analysis of:

- (i) Planning, management, control, and use of information services;
- (ii) Training and education; and
- (iii) Project management.

(3) Statewide technical standards to promote and facilitate electronic information sharing and access are an essential component of acceptable and reliable public access service and complement content-related standards designed to meet those goals. The office shall:

(a) Establish technical standards to facilitate electronic access to government information and interoperability of information systems, including wireless communications systems; and

(b) Require agencies to include an evaluation of electronic public access needs when planning new information systems or major upgrades of systems.

In developing these standards, the office is encouraged to include the state library, state archives, and appropriate representatives of state and local government.

(4) The office shall perform other matters and things necessary to carry out the purposes and provisions of this chapter.

### STRATEGIC PLANNING

NEW SECTION. Sec. 707. (1) The office shall prepare a state strategic information technology plan which shall establish a statewide mission, goals, and objectives for the use of information technology, including goals for electronic access to government records, information, and services. The plan shall be developed in accordance with the standards and policies established by the office. The office shall seek the advice of the board in the development of this plan.

The plan shall be updated as necessary and submitted to the governor and the legislature.

(2) The office shall prepare a biennial state performance report on information technology based on agency performance reports required under section 710 of this act and other information deemed appropriate by the office. The report shall include, but not be limited to:

(a) An analysis, based upon agency portfolios, of the state's information technology infrastructure, including its value, condition, and capacity;

(b) An evaluation of performance relating to information technology;

(c) An assessment of progress made toward implementing the state strategic information technology plan, including progress toward electronic access to public information and enabling citizens to have two-way access to public records, information, and services; and

(d) An analysis of the success or failure, feasibility, progress, costs, and timeliness of implementation of major information technology projects under section 712 of this act. At a minimum, the portion of the report regarding major technology projects must include:

(i) The total cost data for the entire life-cycle of the project, including capital and operational costs, broken down by staffing costs, contracted service,

hardware purchase or lease, software purchase or lease, travel, and training. The original budget must also be shown for comparison;

(ii) The original proposed project schedule and the final actual project schedule;

(iii) Data regarding progress towards meeting the original goals and performance measures of the project;

(iv) Discussion of lessons learned on the project, performance of any contractors used, and reasons for project delays or cost increases; and

(v) Identification of benefits generated by major information technology projects developed under section 712 of this act.

Copies of the report shall be distributed biennially to the governor and the legislature. The major technology section of the report must examine major information technology projects completed in the previous biennium.

### PORTFOLIO MANAGEMENT

**NEW SECTION. Sec. 708.** Management of information technology across state government requires managing resources and business processes across multiple agencies. It is no longer sufficient to pursue efficiencies within agency or individual business process boundaries. The state must manage the business process changes and information technology in support of business processes as a statewide portfolio. The chief information officer will use agency information technology portfolio planning as input to develop a statewide portfolio to guide resource allocation and prioritization decisions.

**NEW SECTION. Sec. 709.** An agency information technology portfolio shall serve as the basis for making information technology decisions and plans which may include, but are not limited to:

- (1) System refurbishment, acquisitions, and development efforts;
- (2) Setting goals and objectives for using information technology;
- (3) Assessments of information processing performance, resources, and capabilities;
- (4) Ensuring the appropriate transfer of technological expertise for the operation of new systems developed using external resources;
- (5) Guiding new investment demand, prioritization, selection, performance, and asset value of technology and telecommunications; and
- (6) Progress toward providing electronic access to public information.

**NEW SECTION. Sec. 710.** (1) Each agency shall develop an information technology portfolio consistent with RCW 43.105.172 (as recodified by this act). The superintendent of public instruction shall develop its portfolio in conjunction with educational service districts and statewide or regional providers of K-12 education information technology services.

(2) Agency portfolios shall include, but not be limited to, the following:

(a) A baseline assessment of the agency's information technology resources and capabilities that will serve as the benchmark for subsequent planning and performance measures;

(b) A statement of the agency's mission, goals, and objectives for information technology, including goals and objectives for achieving electronic access to agency records, information, and services;



(c) An explanation of how the agency's mission, goals, and objectives for information technology support and conform to the state strategic information technology plan developed under section 707 of this act;

(d) An implementation strategy to provide electronic access to public records and information. This implementation strategy must be assembled to include:

(i) Compliance with Title 40 RCW;

(ii) Adequate public notice and opportunity for comment;

(iii) Consideration of a variety of electronic technologies, including those that help transcend geographic locations, standard business hours, economic conditions of users, and disabilities;

(iv) Methods to educate both state employees and the public in the effective use of access technologies;

(e) Projects and resources required to meet the objectives of the portfolio; and

(f) Where feasible, estimated schedules and funding required to implement identified projects.

(3) Portfolios developed under subsection (1) of this section shall be submitted to the office for review and approval. The chief information officer may reject, require modification to, or approve portfolios as deemed appropriate. Portfolios submitted under this subsection shall be updated and submitted for review and approval as necessary.

(4) Each agency shall prepare and submit to the office a biennial performance report that evaluates progress toward the objectives articulated in its information technology portfolio and the strategic priorities of the state. The superintendent of public instruction shall develop its portfolio in conjunction with educational service districts and statewide or regional providers of K-12 education information technology services. The report shall include:

(a) An evaluation of the agency's performance relating to information technology;

(b) An assessment of progress made toward implementing the agency information technology portfolio;

(c) Progress toward electronic access to public information and enabling citizens to have two-way interaction for obtaining information and services from agencies; and

(d) An inventory of agency information services, equipment, and proprietary software.

(5) The office shall establish standards, elements, form, and format for plans and reports developed under this section.

(6) Agency activities to increase electronic access to public records and information, as required by this section, must be implemented within available resources and existing agency planning processes.

(7) The office may exempt any agency from any or all of the requirements of this section.

#### BUDGET REVIEW

**NEW SECTION. Sec. 711.** (1) At the request of the director of financial management, the office shall evaluate both state agency information technology

current spending and technology budget requests, including those proposed by the superintendent of public instruction, in conjunction with educational service districts, or statewide or regional providers of K-12 education information technology services. The office shall submit recommendations for funding all or part of such requests to the director of financial management. The office shall also submit recommendations regarding consolidation and coordination of similar proposals or other efficiencies it finds in reviewing proposals.

(2) The office shall establish criteria, consistent with portfolio-based information technology management, for the evaluation of agency budget requests under this section. Technology budget requests shall be evaluated in the context of the state's information technology portfolio; technology initiatives underlying budget requests are subject to review by the office. Criteria shall include, but not be limited to: Feasibility of the proposed projects, consistency with the state strategic information technology plan and the state enterprise architecture, consistency with information technology portfolios, appropriate provision for public electronic access to information, evidence of business process streamlining and gathering of business and technical requirements, services, duration of investment, costs, and benefits.

#### PROJECT MANAGEMENT OVERSIGHT

NEW SECTION. Sec. 712. (1) The office shall establish standards and policies governing the planning, implementation, and evaluation of major information technology projects, including those proposed by the superintendent of public instruction, in conjunction with educational service districts, or statewide or regional providers of K-12 education information technology services. The standards and policies shall:

(a) Establish criteria to identify projects which are subject to this section. Such criteria shall include, but not be limited to, significant anticipated cost, complexity, or statewide significance of the project; and

(b) Establish a model process and procedures which state agencies shall follow in developing and implementing projects within their information technology portfolios. This process may include project oversight experts or panels, as appropriate. Agencies may propose, for approval by the office, a process and procedures unique to the agency. The office may accept or require modification of such agency proposals or the office may reject such agency proposals and require use of the model process and procedures established under this subsection. Any process and procedures developed under this subsection shall require (i) distinct and identifiable phases upon which funding may be based, (ii) user validation of products through system demonstrations and testing of prototypes and deliverables, and (iii) other elements identified by the office.

The chief information officer may suspend or terminate a major project, and direct that the project funds be placed into unallotted reserve status, if the chief information officer determines that the project is not meeting or is not expected to meet anticipated performance standards.

(2) The office of financial management shall establish policies and standards consistent with portfolio-based information technology management to govern the funding of projects developed under this section. The policies and standards shall provide for:

(a) Funding of a project under terms and conditions mutually agreed to by the chief information officer, the director of financial management, and the head of the agency proposing the project. However, the office of financial management may require incremental funding of a project on a phase-by-phase basis whereby funds for a given phase of a project may be released only when the office of financial management determines, with the advice of the office, that the previous phase is satisfactorily completed; and

(b) Other elements deemed necessary by the office of financial management.

**NEW SECTION. Sec. 713.** (1) Prior to making a commitment to purchase, acquire, or develop a major information technology project or service, state agencies must provide a proposal to the office outlining the business case of the proposed product or service, including the upfront and ongoing cost of the proposal.

(2) Within sixty days of receipt of a proposal, the office shall approve the proposal, reject it, or propose modifications.

(3) In reviewing a proposal, the office must determine whether the product or service is consistent with:

(a) The standards and policies developed by the office pursuant to section 706 of this act; and

(b) The state's enterprise-based strategy.

(4) If a substantially similar product or service is offered by the consolidated technology services agency established in RCW 43.105.047, the office may require the agency to procure the product or service through the consolidated technology services agency, if doing so would benefit the state as an enterprise.

(5) The office shall provide guidance to agencies as to what threshold of information technology spending constitutes a major information technology product or service under this section.

### ENTERPRISE ARCHITECTURE

**NEW SECTION. Sec. 714.** (1) The office shall develop an enterprise-based strategy for information technology in state government informed by portfolio management planning and information technology expenditure information collected from state agencies pursuant to RCW 43.88.092.

(2)(a) The office shall develop an ongoing enterprise architecture program for translating business vision and strategy into effective enterprise change. This program will create, communicate, and improve the key principles and models that describe the enterprise's future state and enable its evolution, in keeping with the priorities of government and the information technology strategic plan.

(b) The enterprise architecture program will facilitate business process collaboration among agencies statewide; improving the reliability, interoperability, and sustainability of the business processes that state agencies use.

In developing an enterprise-based strategy for the state, the office is encouraged to consider the following strategies as possible opportunities for achieving greater efficiency:

(i) Developing evaluation criteria for deciding which common enterprise-wide business processes should become managed as enterprise services;

- (ii) Developing a roadmap of priorities for creating enterprise services;
  - (iii) Developing decision criteria for determining implementation criteria for centralized or decentralized enterprise services;
  - (iv) Developing evaluation criteria for deciding which technology investments to continue, hold, or drop; and
  - (v) Performing such other duties as may be assigned by the office to promote effective enterprise change.
- (c) The program will establish performance measurement criteria for each of its initiatives; will measure the success of those initiatives; and will assess its quarterly results with the chief information officer to determine whether to continue, revise, or disband the initiative.

#### ADVISORY BOARD—CREATION AND DUTIES

NEW SECTION. Sec. 715. The technology services board is created within the office of the chief information officer.

(1) The board shall be composed of thirteen members. Six members shall be appointed by the governor, three of whom shall be representatives of state agencies or institutions, and three of whom shall be representatives of the private sector. Of the state agency representatives, at least one of the representatives must have direct experience using the software projects overseen by the board or reasonably expect to use the new software developed under the oversight of the board. Two members shall represent the house of representatives and shall be selected by the speaker of the house of representatives with one representative chosen from each major caucus of the house of representatives; two members shall represent the senate and shall be appointed by the president of the senate with one representative chosen from each major caucus of the senate. One member shall be the chief information officer who shall be a voting member of the board and serve as chair. Two nonvoting members with information technology expertise must be appointed by the governor as follows:

(a) One member representing state agency bargaining units shall be selected from a list of three names submitted by each of the general government exclusive bargaining representatives; and

(b) One member representing local governments shall be selected from a list of three names submitted by commonly recognized local government organizations.

The governor may reject all recommendations and request new recommendations.

(2) Of the initial members, three must be appointed for a one-year term, three must be appointed for a two-year term, and four must be appointed for a three-year term. Thereafter, members must be appointed for three-year terms.

(3) Vacancies shall be filled in the same manner that the original appointments were made for the remainder of the member's term.

(4) Members of the board shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(5) The office shall provide staff support to the board.

NEW SECTION. Sec. 716. The board shall have the following powers and duties related to information services:

(1) To review and approve standards and procedures, developed by the office of the chief information officer, governing the acquisition and disposition of equipment, proprietary software, and purchased services, licensing of the radio spectrum by or on behalf of state agencies, and confidentiality of computerized data;

(2) To review and approve statewide or interagency technical policies, standards, and procedures developed by the office of the chief information officer;

(3) To review, approve, and provide oversight of major information technology projects to ensure that no major information technology project proposed by a state agency is approved or authorized funding by the board without consideration of the technical and financial business case for the project, including a review of:

(a) The total cost of ownership across the life of the project;

(b) All major technical options and alternatives analyzed, and reviewed, if necessary, by independent technical sources; and

(c) Whether the project is technically and financially justifiable when compared against the state's enterprise-based strategy, long-term technology trends, and existing or potential partnerships with private providers or vendors;

(4) To review and approve standards and common specifications for new or expanded telecommunications networks proposed by agencies, public postsecondary education institutions, educational service districts, or statewide or regional providers of K-12 information technology services, and to assure the cost-effective development and incremental implementation of a statewide video telecommunications system to serve: Public schools; educational service districts; vocational-technical institutes; community colleges; colleges and universities; state and local government; and the general public through public affairs programming;

(5) To develop a policy to determine whether a proposed project, product, or service should undergo an independent technical and financial analysis prior to submitting a request to the office of financial management for the inclusion in any proposed operating, capital, or transportation budget;

(6) To approve contracting for services and activities under RCW 41.06.142(7) for the consolidated technology service agency. To approve any service or activity to be contracted under RCW 41.06.142(7)(b), the board must also review the proposed business plan and recommendation submitted by the office;

(7) To consider, on an ongoing basis, ways to promote strategic investments in enterprise-level information technology projects that will result in service improvements and cost efficiency;

(8) To provide a forum to solicit external expertise and perspective on developments in information technology, enterprise architecture, standards, and policy development; and

(9) To provide a forum where ideas and issues related to information technology plans, policies, and standards can be reviewed.

**INTEROPERABILITY COMMITTEE—TRANSFER  
FROM DEPARTMENT OF INFORMATION SERVICES**

**NEW SECTION. Sec. 717.** (1) The chief information officer shall appoint a state interoperability executive committee, the membership of which must include, but not be limited to, representatives of the military department, the Washington state patrol, the department of transportation, the office of the chief information officer, the department of natural resources, city and county governments, state and local fire chiefs, police chiefs, and sheriffs, and state and local emergency management directors. The chair and legislative members of the board will serve as nonvoting ex officio members of the committee. Voting membership may not exceed fifteen members.

(2) The chief information officer shall appoint the chair of the committee from among the voting members of the committee.

(3) The state interoperability executive committee has the following responsibilities:

(a) Develop policies and make recommendations to the office for technical standards for state wireless radio communications systems, including emergency communications systems. The standards must address, among other things, the interoperability of systems, taking into account both existing and future systems and technologies;

(b) Coordinate and manage on behalf of the office the licensing and use of state-designated and state-licensed radio frequencies, including the spectrum used for public safety and emergency communications, and serve as the point of contact with the federal communications commission on matters relating to allocation, use, and licensing of radio spectrum;

(c) Coordinate the purchasing of all state wireless radio communications system equipment to ensure that:

(i) After the transition from a radio over internet protocol network, any new trunked system shall be, at a minimum, project-25;

(ii) Any new system that requires advanced digital features shall be, at a minimum, project-25; and

(iii) Any new system or equipment purchases shall be, at a minimum, upgradable to project-25;

(d) Seek support, including possible federal or other funding, for state-sponsored wireless communications systems;

(e) Develop recommendations for legislation that may be required to promote interoperability of state wireless communications systems;

(f) Foster cooperation and coordination among public safety and emergency response organizations;

(g) Work with wireless communications groups and associations to ensure interoperability among all public safety and emergency response wireless communications systems; and

(h) Perform such other duties as may be assigned by the office to promote interoperability of wireless communications systems.

(4) The office shall provide administrative support to the committee.

**K-20 GOVERNANCE AND OPERATIONS OVERSIGHT—  
TRANSFER FROM DEPARTMENT OF INFORMATION SERVICES**

**NEW SECTION. Sec. 718.** (1) The office has the duty to govern and oversee the technical design, implementation, and operation of the K-20 network including, but not limited to, the following duties: Establishment and implementation of K-20 network technical policy, including technical standards and conditions of use; review and approval of network design; and resolving user/provider disputes.

(2) The office has the following powers and duties:

(a) In cooperation with the educational sectors and other interested parties, to establish goals and measurable objectives for the network;

(b) To ensure that the goals and measurable objectives of the network are the basis for any decisions or recommendations regarding the technical development and operation of the network;

(c) To adopt, modify, and implement policies to facilitate network development, operation, and expansion. Such policies may include but need not be limited to the following issues: Quality of educational services; access to the network by recognized organizations and accredited institutions that deliver educational programming, including public libraries; prioritization of programming within limited resources; prioritization of access to the system and the sharing of technological advances; network security; identification and evaluation of emerging technologies for delivery of educational programs; future expansion or redirection of the system; network fee structures; and costs for the development and operation of the network;

(d) To prepare and submit to the governor and the legislature a coordinated budget for network development, operation, and expansion. The budget shall include the chief information officer's recommendations on (i) any state funding requested for network transport and equipment, distance education facilities and hardware or software specific to the use of the network, and proposed new network end sites, (ii) annual copayments to be charged to public educational sector institutions and other public entities connected to the network, and (iii) charges to nongovernmental entities connected to the network;

(e) To adopt and monitor the implementation of a methodology to evaluate the effectiveness of the network in achieving the educational goals and measurable objectives;

(f) To establish by rule acceptable use policies governing user eligibility for participation in the K-20 network, acceptable uses of network resources, and procedures for enforcement of such policies. The office shall set forth appropriate procedures for enforcement of acceptable use policies, that may include suspension of network connections and removal of shared equipment for violations of network conditions or policies. The office shall have sole responsibility for the implementation of enforcement procedures relating to technical conditions of use.

**NEW SECTION. Sec. 719.** The office shall maintain, in consultation with the K-20 network users, the K-20 operations cooperative, which shall be responsible for day-to-day network management, technical network status monitoring, technical problem response coordination, and other duties as agreed to by the office and the educational sectors. Funding for the K-20 operations

cooperative shall be provided from the education technology revolving fund under RCW 43.105.835 (as recodified by this act).

**NEW SECTION. Sec. 720.** The chief information officer, in conjunction with the K-20 network users, shall maintain a technical plan of the K-20 telecommunications system and ongoing system enhancements. The office shall ensure that the technical plan adheres to the goals and objectives established under section 706 of this act. The technical plan shall provide for:

(1) A telecommunications backbone connecting educational service districts, the main campuses of public baccalaureate institutions, the branch campuses of public research institutions, and the main campuses of community colleges and technical colleges.

(2)(a) Connection to the K-20 network by entities that include, but need not be limited to: School districts, public higher education off-campus and extension centers, and branch campuses of community colleges and technical colleges, as prioritized by the chief information officer; (b) distance education facilities and components for entities listed in this subsection and subsection (1) of this section; and (c) connection for independent nonprofit institutions of higher education, provided that:

(i) The chief information officer and each independent nonprofit institution of higher education to be connected agree in writing to terms and conditions of connectivity. The terms and conditions shall ensure, among other things, that the provision of K-20 services does not violate Article VIII, section 5 of the state Constitution and that the institution shall adhere to K-20 network policies; and

(ii) The chief information officer determines that inclusion of the independent nonprofit institutions of higher education will not significantly affect the network's eligibility for federal universal service fund discounts or subsidies.

(3) Subsequent phases may include, but need not be limited to, connections to public libraries, state and local governments, community resource centers, and the private sector.

**NEW SECTION. Sec. 721.** (1) In overseeing the technical aspects of the K-20 network, the office is not intended to duplicate the statutory responsibilities of the higher education coordinating board, the superintendent of public instruction, the state librarian, or the governing boards of the institutions of higher education.

(2) The office may not interfere in any curriculum or legally offered programming offered over the K-20 network.

(3) The responsibility to review and approve standards and common specifications for the K-20 network remains the responsibility of the office under section 706 of this act.

(4) The coordination of telecommunications planning for the common schools remains the responsibility of the superintendent of public instruction. Except as set forth in section 706(2)(f) of this act, the office may recommend, but not require, revisions to the superintendent's telecommunications plans.

**Sec. 722.** RCW 43.105.835 and 2004 c 276 s 910 are each amended to read as follows:

(1) The education technology revolving fund is created in the custody of the state treasurer. All receipts from billings under subsection (2) of this section



must be deposited in the revolving fund. Only the ~~((director of the department of information services or the director's designee))~~ chief information officer or the chief information officer's designee may authorize expenditures from the fund. The revolving fund shall be used to pay for K-20 network operations, transport, equipment, software, supplies, and services, maintenance and depreciation of on-site data, and shared infrastructure, and other costs incidental to the development, operation, and administration of shared educational information technology services, telecommunications, and systems. The revolving fund shall not be used for the acquisition, maintenance, or operations of local telecommunications infrastructure or the maintenance or depreciation of on-premises video equipment specific to a particular institution or group of institutions.

(2) The revolving fund and all disbursements from the revolving fund are subject to the allotment procedure under chapter 43.88 RCW, but an appropriation is not required for expenditures. The ~~((department of information services))~~ office shall, ~~((in consultation with entities connected to the network under RCW 43.105.820 and))~~ subject to the review and approval of the office of financial management, establish and implement a billing structure for network services identified in subsection (1) of this section.

(3) The ~~((department))~~ office shall charge those public entities connected to the K-20 ~~((telecommunications [telecommunication system] under RCW 43.105.820))~~ telecommunications system under section 720 of this act an annual copayment per unit of transport connection as determined by the legislature after consideration of the ~~((K-20))~~ board's recommendations. This copayment shall be deposited into the revolving fund to be used for the purposes in subsection (1) of this section. It is the intent of the legislature to appropriate to the revolving fund such moneys as necessary to cover the costs for transport, maintenance, and depreciation of data equipment located at the individual public institutions, maintenance and depreciation of the K-20 network backbone, and services provided to the network under ~~((RCW 43.105.815.~~

~~((4) During the 2003-05 biennium, the legislature may transfer moneys from the education technology revolving fund to the state general fund and the data processing revolving fund such amounts as reflect the excess fund balance of the account))~~ section 718 of this act.

#### GENERAL PROVISIONS RELATED TO OFFICE OF CHIEF INFORMATION OFFICER

NEW SECTION. Sec. 723. A new section is added to chapter 41.06 RCW to read as follows:

In addition to the exemptions under RCW 41.06.070, the provisions of this chapter do not apply in the office of the chief information officer to the chief information officer, the chief information officer's confidential secretary, assistant directors, and any other exempt staff members provided for in section 703 of this act.

Sec. 724. RCW 43.105.290 and 1996 c 171 s 13 are each amended to read as follows:

The state library, with the assistance of the ~~((department of information services))~~ office and the state archives, shall establish a pilot project to design

and test an electronic information locator system, allowing members of the public to locate and access electronic public records. In designing the system, the following factors shall be considered: (1) Ease of operation by citizens; (2) access through multiple technologies, such as direct dial and toll-free numbers, kiosks, and the internet; (3) compatibility with private online services; and (4) capability of expanding the electronic public records included in the system. The pilot project may restrict the type and quality of electronic public records that are included in the system to test the feasibility of making electronic public records and information widely available to the public.

**Sec. 725.** RCW 28A.650.015 and 2009 c 556 s 17 are each amended to read as follows:

(1) The superintendent of public instruction, to the extent funds are appropriated, shall develop and implement a Washington state K-12 education technology plan. The technology plan shall be updated on at least a biennial basis, shall be developed to coordinate and expand the use of education technology in the common schools of the state. The plan shall be consistent with applicable provisions of chapter 43.105 RCW. The plan, at a minimum, shall address:

(a) The provision of technical assistance to schools and school districts for the planning, implementation, and training of staff in the use of technology in curricular and administrative functions;

(b) The continued development of a network to connect school districts, institutions of higher learning, and other sources of online information; and

(c) Methods to equitably increase the use of education technology by students and school personnel throughout the state.

(2) The superintendent of public instruction shall appoint an educational technology advisory committee to assist in the development and implementation of the technology plan in subsection (1) of this section. The committee shall include, but is not limited to, persons representing: The ~~((department of information services))~~ office of the chief information officer, educational service districts, school directors, school administrators, school principals, teachers, classified staff, higher education faculty, parents, students, business, labor, scientists and mathematicians, the higher education coordinating board, the workforce training and education coordinating board, and the state library.

(3) The plan adopted and implemented under this section may not impose on school districts any requirements that are not specifically required by federal law or regulation, including requirements to maintain eligibility for the federal schools and libraries program of the universal service fund.

**Sec. 726.** RCW 39.94.040 and 2010 1st sp.s. c 36 s 6015 and 2010 1st sp.s. c 35 s 406 are each reenacted and amended to read as follows:

(1) Except as provided in RCW 28B.10.022, the state may not enter into any financing contract for itself if the aggregate principal amount payable thereunder is greater than an amount to be established from time to time by the state finance committee or participate in a program providing for the issuance of certificates of participation, including any contract for credit enhancement, without the prior approval of the state finance committee. Except as provided in RCW 28B.10.022, the state finance committee shall approve the form of all financing

contracts or a standard format for all financing contracts. The state finance committee also may:

(a) Consolidate existing or potential financing contracts into master financing contracts with respect to property acquired by one or more agencies, departments, instrumentalities of the state, the state board for community and technical colleges, or a state institution of higher learning; or to be acquired by another agency;

(b) Approve programs providing for the issuance of certificates of participation in master financing contracts for the state or for other agencies;

(c) Enter into agreements with trustees relating to master financing contracts; and

(d) Make appropriate rules for the performance of its duties under this chapter.

(2) In the performance of its duties under this chapter, the state finance committee may consult with representatives from the department of general administration, the office of financial management, and the ~~((department of information services))~~ office of the chief information officer.

(3) With the approval of the state finance committee, the state also may enter into agreements with trustees relating to financing contracts and the issuance of certificates of participation.

(4) Except for financing contracts for real property used for the purposes described under chapter 28B.140 RCW, the state may not enter into any financing contract for real property of the state without prior approval of the legislature. For the purposes of this requirement, a financing contract must be treated as used for real property if it is being entered into by the state for the acquisition of land; the acquisition of an existing building; the construction of a new building; or a major remodeling, renovation, rehabilitation, or rebuilding of an existing building. Prior approval of the legislature is not required under this chapter for a financing contract entered into by the state under this chapter for energy conservation improvements to existing buildings where such improvements include: (a) Fixtures and equipment that are not part of a major remodeling, renovation, rehabilitation, or rebuilding of the building, or (b) other improvements to the building that are being performed for the primary purpose of energy conservation. Such energy conservation improvements must be determined eligible for financing under this chapter by the office of financial management in accordance with financing guidelines established by the state treasurer, and are to be treated as personal property for the purposes of this chapter.

(5) The state may not enter into any financing contract on behalf of another agency without the approval of such a financing contract by the governing body of the other agency.

**Sec. 727.** RCW 40.14.020 and 2002 c 358 s 4 are each amended to read as follows:

All public records shall be and remain the property of the state of Washington. They shall be delivered by outgoing officials and employees to their successors and shall be preserved, stored, transferred, destroyed or disposed of, and otherwise managed, only in accordance with the provisions of this chapter. In order to insure the proper management and safeguarding of public records, the division of archives and records management is established in

the office of the secretary of state. The state archivist, who shall administer the division and have reasonable access to all public records, wherever kept, for purposes of information, surveying, or cataloguing, shall undertake the following functions, duties, and responsibilities:

- (1) To manage the archives of the state of Washington;
- (2) To centralize the archives of the state of Washington, to make them available for reference and scholarship, and to insure their proper preservation;
- (3) To inspect, inventory, catalog, and arrange retention and transfer schedules on all record files of all state departments and other agencies of state government;
- (4) To insure the maintenance and security of all state public records and to establish safeguards against unauthorized removal or destruction;
- (5) To establish and operate such state record centers as may from time to time be authorized by appropriation, for the purpose of preserving, servicing, screening and protecting all state public records which must be preserved temporarily or permanently, but which need not be retained in office space and equipment;
- (6) To adopt rules under chapter 34.05 RCW:
  - (a) Setting standards for the durability and permanence of public records maintained by state and local agencies;
  - (b) Governing procedures for the creation, maintenance, transmission, cataloging, indexing, storage, or reproduction of photographic, optical, electronic, or other images of public documents or records in a manner consistent with current standards, policies, and procedures of the ~~((department of information services))~~ office of the chief information officer for the acquisition of information technology;
  - (c) Governing the accuracy and durability of, and facilitating access to, photographic, optical, electronic, or other images used as public records; or
  - (d) To carry out any other provision of this chapter;
- (7) To gather and disseminate to interested agencies information on all phases of records management and current practices, methods, procedures, techniques, and devices for efficient and economical management and preservation of records;
- (8) To operate a central microfilming bureau which will microfilm, at cost, records approved for filming by the head of the office of origin and the archivist; to approve microfilming projects undertaken by state departments and all other agencies of state government; and to maintain proper standards for this work;
- (9) To maintain necessary facilities for the review of records approved for destruction and for their economical disposition by sale or burning; directly to supervise such destruction of public records as shall be authorized by the terms of this chapter;
- (10) To assist and train state and local agencies in the proper methods of creating, maintaining, cataloging, indexing, transmitting, storing, and reproducing photographic, optical, electronic, or other images used as public records;
- (11) To solicit, accept, and expend donations as provided in RCW 43.07.037 for the purpose of the archive program. These purposes include, but are not limited to, acquisition, accession, interpretation, and display of archival

materials. Donations that do not meet the criteria of the archive program may not be accepted.

**Sec. 728.** RCW 42.17.460 and 1999 c 401 s 1 are each amended to read as follows:

It is the intent of the legislature to ensure that the commission provide the general public timely access to all contribution and expenditure reports submitted by candidates, continuing political committees, bona fide political parties, lobbyists, and lobbyists' employers. The legislature finds that failure to meet goals for full and timely disclosure threatens to undermine our electoral process.

Furthermore, the legislature intends for the commission to consult with the ~~((department of information services))~~ office of the chief information officer as it seeks to implement chapter 401, Laws of 1999, and that the commission follow the standards and procedures established by the ~~((department of information services))~~ office of the chief information officer in chapter 43.105 RCW as they relate to information technology.

**Sec. 729.** RCW 42.17.467 and 1999 c 401 s 5 are each amended to read as follows:

In preparing the information technology plan, the commission shall consult with affected state agencies, the ~~((department of information services))~~ office of the chief information officer, and stakeholders in the commission's work, including representatives of political committees, bona fide political parties, news media, and the general public.

**Sec. 730.** RCW 42.17.469 and 1999 c 401 s 6 are each amended to read as follows:

The commission shall submit the information technology plan to the senate and house of representatives fiscal committees, the governor, the senate state and local government committee, the house of representatives state government committee, and the ~~((department of information services))~~ office of the chief information officer by February 1, 2000. It is the intent of the legislature that the commission thereafter comply with the requirements of chapter 43.105 RCW with respect to preparation and submission of biennial performance reports on the commission's information technology.

**Sec. 731.** RCW 42.17.471 and 1999 c 401 s 7 are each amended to read as follows:

The commission shall prepare and submit to the ~~((department of information services))~~ office of the chief information officer a biennial performance report ~~((in accordance with chapter 43.105 RCW))~~.

The report must include:

- (1) An evaluation of the agency's performance relating to information technology;
- (2) An assessment of progress made toward implementing the agency information technology plan;
- (3) An analysis of the commission's performance measures, set forth in RCW 42.17.463, that relate to the electronic filing of reports and timely public access to those reports via the commission's web site;

(4) A comprehensive description of the methods by which citizens may interact with the agency in order to obtain information and services from the commission; and

(5) An inventory of agency information services, equipment, and proprietary software.

**Sec. 732.** RCW 42.17A.060 and 1999 c 401 s 1 are each amended to read as follows:

It is the intent of the legislature to ensure that the commission provide the general public timely access to all contribution and expenditure reports submitted by candidates, continuing political committees, bona fide political parties, lobbyists, and lobbyists' employers. The legislature finds that failure to meet goals for full and timely disclosure threatens to undermine our electoral process.

Furthermore, the legislature intends for the commission to consult with the ~~((department of information services))~~ office of the chief information officer as it seeks to implement chapter 401, Laws of 1999, and that the commission follow the standards and procedures established by the ~~((department of information services))~~ office of the chief information officer in chapter 43.105 RCW as they relate to information technology.

**Sec. 733.** RCW 43.88.092 and 2010 c 282 s 3 are each amended to read as follows:

(1) As part of the biennial budget process, the office of financial management shall collect from agencies, and agencies shall provide, information to produce reports, summaries, and budget detail sufficient to allow review, analysis, and documentation of all current and proposed expenditures for information technology by state agencies. Information technology budget detail must be included as part of the budget submittal documentation required pursuant to RCW 43.88.030.

(2) The office of financial management must collect, and present as part of the biennial budget documentation, information for all existing information technology projects as defined by information services board policy. The office of financial management must work with the ~~((department of information services))~~ office of the chief information officer to maximize the ability to draw this information from the information technology portfolio management data collected by the department of information services pursuant to RCW 43.105.170. Connecting project information collected through the portfolio management process with financial data developed under subsection (1) of this section provides transparency regarding expenditure data for existing technology projects.

(3) The biennial budget documentation submitted by the office of financial management pursuant to RCW 43.88.030 must include an information technology plan and a technology budget for the state identifying current baseline funding for information technology, proposed ~~((large))~~ and ongoing major information technology projects, and their associated costs. This plan and technology budget must be presented using a method similar to the capital budget, identifying project costs through stages of the project and across fiscal periods and biennia from project initiation to implementation. This information must be submitted electronically, in a format to be determined by the office of

financial management and the legislative evaluation and accountability program committee.

(4) The office of financial management shall also institute a method of accounting for information technology-related expenditures, including creating common definitions for what constitutes an information technology investment.

(5) For the purposes of this section, "major information technology projects" includes projects that have a significant anticipated cost, complexity, or are of statewide significance, such as enterprise-level solutions, enterprise resource planning, and shared services initiatives.

**Sec. 734.** RCW 43.105.410 and 2010 c 282 s 2 are each amended to read as follows:

(1) State agencies that are purchasing wireless devices or services must make such purchases through the state master contract, unless the state agency provides to the office of ~~((financial management))~~ the chief information officer evidence that the state agency is securing its wireless devices or services from another source for a lower cost than through participation in the state master contract.

(2) For the purposes of this section, "state agency" means any office, department, board, commission, or other unit of state government, but does not include a unit of state government headed by a statewide elected official, an institution of higher education as defined in RCW 28B.10.016, the higher education coordinating board, the state board for community and technical colleges, or agencies of the legislative or judicial branches of state government.

#### STATE DATA CENTER

NEW SECTION. Sec. 735. (1) Except as provided by subsection (2) of this section, state agencies shall locate all existing and new servers in the state data center.

(2) Agencies with a service requirement that requires servers to be located outside the state data center must receive a waiver from the office. Waivers must be based upon written justification from the requesting agency citing specific service or performance requirements for locating servers outside the state's common platform.

(3) The office, in consultation with the office of financial management, shall continue to develop the business plan and migration schedule for moving all state agencies into the state data center.

(4) The legislature and the judiciary, which are constitutionally recognized as separate branches of government, may enter into an interagency agreement with the office to migrate its servers into the state data center.

(5) This section does not apply to institutions of higher education.

#### MIGRATION TO A CENTRAL SERVICE PROVIDER

NEW SECTION. Sec. 736. (1) The office shall conduct a needs assessment and develop a migration strategy to ensure that, over time, all state agencies are moving towards using the consolidated technology services agency established in RCW 43.105.047 as their central service provider for all utility-based infrastructure services, including centralized PC and infrastructure support.

Agency specific application services shall remain managed within individual agencies.

(2) The office shall develop short-term and long-term objectives as part of the migration strategy.

(3) For the purposes of this section, "utility-based infrastructure services" includes personal computer and portable device support, servers and server administration, security administration, network administration, telephony, e-mail, and other information technology services commonly utilized by state agencies.

(4) This section does not apply to institutions of higher education.

#### PART VIII CREATING THE CONSOLIDATED TECHNOLOGY SERVICES AGENCY

NEW SECTION. **Sec. 801.** A new section is added to chapter 43.105 RCW to read as follows:

To achieve maximum benefit from advances in information technology the state establishes a centralized provider and procurer of certain information technology services as an agency to support the needs of state agencies. This agency shall be known as the consolidated technology services agency. To ensure maximum benefit to the state, state agencies shall rely on the consolidated technology services agency for those services with a business case of broad use, uniformity, scalability, and price sensitivity to aggregation and volume.

To successfully meet agency needs and meet its obligation as the primary service provider for these services, the consolidated technology services agency must offer high quality services at the lowest possible price. It must be able to attract an adaptable and competitive workforce, be authorized to procure services where the business case justifies it, and be accountable to its customers for the efficient and effective delivery of critical business services.

The consolidated technology services agency is established as an agency in state government. The agency is established with clear accountability to the agencies it serves and to the public. This accountability will come through enhanced transparency in the agency's operation and performance. The agency is also established with broad flexibility to adapt its operations and service catalog to address the needs of customer agencies, and to do so in the most cost-effective ways.

**Sec. 802.** RCW 43.105.020 and 2010 1st sp.s. c 7 s 64 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) ~~("Administrator" means the community technology opportunity program administrator designated by the department.~~

(2) ~~"Backbone network" means the shared high density portions of the state's telecommunications transmission facilities. It includes specially conditioned high speed communications carrier lines, multiplexors, switches associated with such communications lines, and any equipment and software components necessary for management and control of the backbone network.~~



~~(3) "Board" means the information services board.~~

~~(4) "Broadband" means a high-speed, high-capacity transmission medium, using land-based, satellite, wireless, or any other mechanism, that can carry either signals or transmit data, or both, over long distances by using a wide range of frequencies.~~

~~(5) "Committee" means the state interoperability executive committee.~~

~~(6) "Common vendor registration and bid notification system" has the definition in RCW 39.29.006.~~

~~(7) "Community technology programs" means programs that are engaged in diffusing information and communications technology in local communities, particularly in unserved and underserved areas of the state. These programs may include, but are not limited to, programs that provide education and skill-building opportunities, hardware and software, internet connectivity, digital media literacy, development of locally relevant content, and delivery of vital services through technology.~~

~~(8) "Council" means the advisory council on digital inclusion created in RCW 43.105.400.~~

~~(9) "Department" means the department of information services.~~

~~(10)) "Agency" means the consolidated technology services agency.~~

~~(2) "Customer agencies" means all entities that purchase or use information technology resources, telecommunications, or services from the consolidated technology services agency.~~

~~(3) "Director" means the director of the ((department)) consolidated technology services agency.~~

~~((11) "Educational sectors" means those institutions of higher education, school districts, and educational service districts that use the network for distance education, data transmission, and other uses permitted by the K-20 board.~~

~~(12)) (4) "Equipment" means the machines, devices, and transmission facilities used in information processing, ((such as)) including but not limited to computers, ((word processors,)) terminals, telephones, wireless communications system facilities, cables, and any physical facility necessary for the operation of such equipment.~~

~~((13) "High-speed internet" means broadband.~~

~~(14) "Information" includes, but is not limited to, data, text, voice, and video.~~

~~(15) "Information processing" means the electronic capture, collection, storage, manipulation, transmission, retrieval, and presentation of information in the form of data, text, voice, or image and includes telecommunications and office automation functions.~~

~~(16) "Information services" means data processing, telecommunications, office automation, and computerized information systems.~~

~~(17)) (5) "Enterprise architecture" means an ongoing program for translating business vision and strategy into effective enterprise change. It is a continuous activity. Enterprise architecture creates, communicates, and improves the key principles and models that describe the enterprise's future state and enable its evolution.~~

~~(6) "Information technology" includes, but is not limited to, all electronic technology systems and services, automated information handling, system~~

design and analysis, conversion of data, computer programming, information storage and retrieval, telecommunications, requisite system controls, simulation, electronic commerce, and all related interactions between people and machines.

(7) "Information technology portfolio" or "portfolio" means a strategic management process documenting relationships between agency missions and information technology and telecommunications investments.

~~((18))~~ "K-20 network" means the network established in RCW 43.105.820.

~~(19))~~ (8) "Local governments" includes all municipal and quasi municipal corporations and political subdivisions, and all agencies of such corporations and subdivisions authorized to contract separately.

~~((20))~~ (9) "Oversight" means a process of comprehensive risk analysis and management designed to ensure optimum use of information technology resources and telecommunications.

~~((21))~~ (10) "Proprietary software" means that software offered for sale or license.

~~((22))~~ "Purchased services" means services provided by a vendor to accomplish routine, continuing, and necessary functions. This term includes, but is not limited to, services acquired for equipment maintenance and repair, operation of a physical plant, security, computer hardware and software installation and maintenance, telecommunications installation and maintenance, data entry, keypunch services, programming services, and computer time-sharing.

(23) "Small business" has the definition in RCW 39.29.006.

(24) "Telecommunications" means the transmission of information by wire, radio, optical cable, electromagnetic, or other means.

~~(25)~~ "Video telecommunications" means the electronic interconnection of two or more sites for the purpose of transmitting and/or receiving visual and associated audio information. Video telecommunications shall not include existing public television broadcast stations as currently designated by the department of commerce under chapter 43.330 RCW.) (11) "Telecommunications" includes, but is not limited to, wireless or wired systems for transport of voice, video, and data communications, network systems, requisite facilities, equipment, system controls, simulation, electronic commerce, and all related interactions between people and machines. "Telecommunications" does not include public safety communications.

**Sec. 803.** RCW 43.105.047 and 1999 c 80 s 5 are each amended to read as follows:

There is created the ~~((department of information services))~~ consolidated technology services agency, an agency of state government. The ~~((department))~~ agency shall be headed by a director appointed by the governor with the consent of the senate. The director shall serve at the governor's pleasure and shall receive such salary as determined by the governor. The director shall:

(1) Appoint a confidential secretary and such deputy and assistant directors as needed to administer the ~~((department))~~ agency; and

(2) ~~((Maintain and fund a strategic planning and policy component separate from the services component of the department;~~

~~(3) Appoint, after consulting with the board, the assistant or deputy director for the planning component;~~

~~(4))~~ Appoint such professional, technical, and clerical assistants and employees as may be necessary to perform the duties imposed by this chapter;  
~~(5) Report to the governor and the board any matters relating to abuses and evasions of this chapter; and~~  
~~(6) Recommend statutory changes to the governor and the board).~~

**Sec. 804.** RCW 43.105.052 and 2010 1st sp.s. c 7 s 16 are each amended to read as follows:

The ~~((department))~~ agency shall:

(1) ~~((Perform all duties and responsibilities the board delegates to the department, including but not limited to:~~

~~(a) The review of agency information technology portfolios and related requests; and~~

~~(b) Implementation of statewide and interagency policies, standards, and guidelines;~~

~~(2))~~ Make available information services to ~~((state))~~ public agencies ~~((and local governments))~~ and public benefit nonprofit corporations ~~((on a full cost-recovery basis)).~~ For the purposes of this section "public agency" means any agency of this state or another state; any political subdivision, or unit of local government of this state or another state including, but not limited to, municipal corporations, quasi-municipal corporations, special purpose districts, and local service districts; any agency of the United States; and any Indian tribe recognized as such by the federal government and "public benefit nonprofit corporation" means a public benefit nonprofit corporation as defined in RCW 24.03.005 that is receiving local, state, or federal funds either directly or through a public agency other than an Indian tribe or political subdivision of another state~~((These services may include, but are not limited to:~~

~~(a) Telecommunications services for voice, data, and video;~~

~~(b) Mainframe computing services;~~

~~(c) Support for departmental and microcomputer evaluation, installation, and use;~~

~~(d) Equipment acquisition assistance, including leasing, brokering, and establishing master contracts;~~

~~(e) Facilities management services for information technology equipment, equipment repair, and maintenance service;~~

~~(f) Negotiation with local cable companies and local governments to provide for connection to local cable services to allow for access to these public and educational channels in the state;~~

~~(g) Office automation services;~~

~~(h) System development services; and~~

~~(i) Training.~~

~~These services are for discretionary use by customers and customers may elect other alternatives for service if those alternatives are more cost-effective or provide better service. Agencies may be required to use the backbone network portions of the telecommunications services during an initial start-up period not to exceed three years));~~

~~((3))~~ (2) Establish rates and fees for services provided by the ~~((department to assure that the services component of the department is self-supporting))~~ agency. A billing rate plan shall be developed for a two-year period to coincide with the budgeting process. The rate plan shall be subject to review at least

annually by the office of financial management. The rate plan shall show the proposed rates by each cost center and will show the components of the rate structure as mutually determined by the ~~((department))~~ agency and the office of financial management. ~~((The same rate structure will apply to all user agencies of each cost center.))~~ The rate plan and any adjustments to rates shall be approved by the office of financial management ~~((The services component shall not subsidize the operations of the strategic planning and policy component))~~;

~~((4))~~ (3) With the advice of the ~~((information services))~~ board and customer agencies, develop a state strategic information technology plan and performance reports as required under ~~((RCW 43.105.160))~~ section 707 of this act;

~~((5))~~ (4) Develop plans for the ~~((department's))~~ agency's achievement of statewide goals and objectives set forth in the state strategic information technology plan required under ~~((RCW 43.105.160. These plans shall address such services as telecommunications, central and distributed computing, local area networks, office automation, and end user computing. The department shall seek the advice of the board in the development of these plans;~~

~~(6) Under direction of the information services board and in collaboration with the department of personnel, and other agencies as may be appropriate, develop training plans and coordinate training programs that are responsive to the needs of agencies;~~

~~(7) Identify opportunities for the effective use of information services and coordinate appropriate responses to those opportunities;~~

~~(8) Assess agencies' projects, acquisitions, plans, information technology portfolios, or overall information processing performance as requested by the board, agencies, the director of financial management, or the legislature. Agencies may be required to reimburse the department for agency-requested reviews)) section 707 of this act;~~

~~((9) Develop planning, budgeting, and expenditure reporting requirements, in conjunction with the office of financial management, for agencies to follow;~~

~~(10) Assist the office of financial management with budgetary and policy review of agency plans for information services;~~

~~(11) Provide staff support from the strategic planning and policy component to the board for:~~

~~(a) Meeting preparation, notices, and minutes;~~

~~(b) Promulgation of policies, standards, and guidelines adopted by the board;~~

~~(c) Supervision of studies and reports requested by the board;~~

~~(d) Conducting reviews and assessments as directed by the board;~~

~~(12) Be the lead agency in coordinating video telecommunications services for all state agencies and develop, pursuant to board policies, standards and common specifications for leased and purchased telecommunications equipment. The department shall not evaluate the merits of school curriculum, higher education course offerings, or other education and training programs proposed for transmission and/or reception using video telecommunications resources. Nothing in this section shall abrogate or abridge the legal responsibilities of licensees of telecommunications facilities as licensed by the federal communication commission on March 27, 1990;)) and~~

~~((43))~~ (5) Perform all other matters and things necessary to carry out the purposes and provisions of this chapter.

**Sec. 805.** RCW 43.19.190 and 2002 c 200 s 3 are each amended to read as follows:

The director of general administration, through the state purchasing and material control director, shall:

(1) Establish and staff such administrative organizational units within the division of purchasing as may be necessary for effective administration of the provisions of RCW 43.19.190 through 43.19.1939;

(2) Purchase all material, supplies, services, and equipment needed for the support, maintenance, and use of all state institutions, colleges, community colleges, technical colleges, college districts, and universities, the offices of the elective state officers, the supreme court, the court of appeals, the administrative and other departments of state government, and the offices of all appointive officers of the state: PROVIDED, That the provisions of RCW 43.19.190 through 43.19.1937 do not apply in any manner to the operation of the state legislature except as requested by the legislature: PROVIDED, That the provisions of this section and RCW 43.19.1901 through 43.19.1925 do not apply to the acquisition and disposition of equipment, proprietary software, and information technology purchased services by the consolidated technology services agency created in RCW 43.105.047: PROVIDED, That any agency may purchase material, supplies, services, and equipment for which the agency has notified the purchasing and material control director that it is more cost-effective for the agency to make the purchase directly from the vendor: PROVIDED, That primary authority for the purchase of specialized equipment, instructional, and research material for their own use shall rest with the colleges, community colleges, and universities: PROVIDED FURTHER, That universities operating hospitals and the state purchasing and material control director, as the agent for state hospitals as defined in RCW 72.23.010, and for health care programs provided in state correctional institutions as defined in RCW 72.65.010(3) and veterans' institutions as defined in RCW 72.36.010 and 72.36.070, may make purchases for hospital operation by participating in contracts for materials, supplies, and equipment entered into by nonprofit cooperative hospital group purchasing organizations: PROVIDED FURTHER, That primary authority for the purchase of materials, supplies, and equipment for resale to other than public agencies shall rest with the state agency concerned: PROVIDED FURTHER, That authority to purchase services as included herein does not apply to personal services as defined in chapter 39.29 RCW, unless such organization specifically requests assistance from the division of purchasing in obtaining personal services and resources are available within the division to provide such assistance: PROVIDED FURTHER, That the authority for the purchase of insurance and bonds shall rest with the risk manager under RCW ~~((43.19.1935))~~ 43.41.310: PROVIDED FURTHER, That, except for the authority of the risk manager to purchase insurance and bonds, the director is not required to provide purchasing services for institutions of higher education that choose to exercise independent purchasing authority under RCW 28B.10.029: PROVIDED FURTHER, That the authority to purchase interpreter services and interpreter brokerage services on behalf of limited-English speaking or sensory-

impaired applicants and recipients of public assistance shall rest with the department of social and health services;

(3) Have authority to delegate to state agencies authorization to purchase or sell, which authorization shall specify restrictions as to dollar amount or to specific types of material, equipment, services, and supplies. Acceptance of the purchasing authorization by a state agency does not relieve such agency from conformance with other sections of RCW 43.19.190 through 43.19.1939, or from policies established by the director. Also, delegation of such authorization to a state agency, including an educational institution to which this section applies, to purchase or sell material, equipment, services, and supplies shall not be granted, or otherwise continued under a previous authorization, if such agency is not in substantial compliance with overall state purchasing and material control policies as established herein;

(4) Contract for the testing of material, supplies, and equipment with public and private agencies as necessary and advisable to protect the interests of the state;

(5) Prescribe the manner of inspecting all deliveries of supplies, materials, and equipment purchased through the division;

(6) Prescribe the manner in which supplies, materials, and equipment purchased through the division shall be delivered, stored, and distributed;

(7) Provide for the maintenance of a catalogue library, manufacturers' and wholesalers' lists, and current market information;

(8) Provide for a commodity classification system and may, in addition, provide for the adoption of standard specifications;

(9) Provide for the maintenance of inventory records of supplies, materials, and other property;

(10) Prepare rules and regulations governing the relationship and procedures between the division of purchasing and state agencies and vendors;

(11) Publish procedures and guidelines for compliance by all state agencies, including those educational institutions to which this section applies, which implement overall state purchasing and material control policies;

(12) Advise state agencies, including educational institutions, regarding compliance with established purchasing and material control policies under existing statutes.

**NEW SECTION. Sec. 806.** A new section is added to chapter 43.105 RCW to read as follows:

The director shall set performance targets and approve plans for achieving measurable and specific goals for the agency. By January 2012, the appropriate organizational performance and accountability measures and performance targets shall be submitted to the governor. These measures and targets shall include measures of performance demonstrating specific and measurable improvements related to service delivery and costs, operational efficiencies, and overall customer satisfaction. The agency shall develop a dashboard of key performance measures that will be updated quarterly and made available on the agency public web site.

The director shall report to the governor on agency performance at least quarterly. The reports shall be included on the agency's web site and accessible to the public.

**Sec. 807.** RCW 43.105.057 and 1992 c 20 s 11 are each amended to read as follows:

The (~~department of information services and the information services board, respectively,~~) agency shall adopt rules as necessary under chapter 34.05 RCW to implement the provisions of this chapter.

**Sec. 808.** RCW 43.105.060 and 1987 c 504 s 10 are each amended to read as follows:

State and local government agencies are authorized to enter into any contracts with the (~~department or its successor~~) agency which may be necessary or desirable to effectuate the purposes and policies of this chapter or for maximum utilization of facilities and services which are the subject of this chapter.

**Sec. 809.** RCW 19.34.231 and 1999 c 287 s 12 are each amended to read as follows:

(1) If a signature of a unit of state or local government, including its appropriate officers or employees, is required by statute, administrative rule, court rule, or requirement of the office of financial management, that unit of state or local government shall become a subscriber to a certificate issued by a licensed certification authority for purposes of conducting official public business with electronic records.

(2) A city or county may become a licensed certification authority under RCW 19.34.100 for purposes of providing services to local government, if authorized by ordinance adopted by the city or county legislative authority.

(3) A unit of state government, except the secretary (~~and the department of information services~~), may not act as a certification authority.

**Sec. 810.** RCW 19.34.420 and 1998 c 33 s 2 are each amended to read as follows:

(1) The following information, when in the possession of the secretary (~~the department of information services,~~) or the state auditor for purposes of this chapter, shall not be made available for public disclosure, inspection, or copying, unless the request is made under an order of a court of competent jurisdiction based upon an express written finding that the need for the information outweighs any reason for maintaining the privacy and confidentiality of the information or records:

(a) A trade secret, as defined by RCW 19.108.010; and

(b) Information regarding design, security, or programming of a computer system used for purposes of licensing or operating a certification authority or repository under this chapter.

(2) The state auditor, or an authorized agent, must be given access to all information referred to in subsection (1) of this section for the purpose of conducting audits under this chapter or under other law, but shall not make that information available for public inspection or copying except as provided in subsection (1) of this section.

**Sec. 811.** RCW 46.20.157 and 1999 c 6 s 21 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the department shall annually provide to the (~~department of information services~~) consolidated technology services agency an electronic data file. The data file must:

(a) Contain information on all licensed drivers and identicard holders who are eighteen years of age or older and whose records have not expired for more than two years;

(b) Be provided at no charge; and

(c) Contain the following information on each such person: Full name, date of birth, residence address including county, sex, and most recent date of application, renewal, replacement, or change of driver's license or identicard.

(2) Before complying with subsection (1) of this section, the department shall remove from the file the names of any certified participants in the Washington state address confidentiality program under chapter 40.24 RCW that have been identified to the department by the secretary of state.

**Sec. 812.** RCW 2.36.054 and 1993 c 408 s 3 are each amended to read as follows:

Unless otherwise specified by rule of the supreme court, the jury source list and master jury list for each county shall be created as provided by this section.

(1) The superior court of each county, after consultation with the county clerk and county auditor of that jurisdiction, shall annually notify the ~~((department of information services))~~ consolidated technology services agency not later than March 1 of each year of its election to use either a jury source list that is merged by the county or a jury source list that is merged by the ~~((department of information services))~~ consolidated technology services agency. The ~~((department of information services))~~ consolidated technology services agency shall annually furnish at no charge to the superior court of each county a separate list of the registered voters residing in that county as supplied annually by the secretary of state and a separate list of driver's license and identicard holders residing in that county as supplied annually by the department of licensing, or a merged list of all such persons residing in that county, in accordance with the annual notification required by this subsection. The lists provided by the ~~((department of information services))~~ consolidated technology services agency shall be in an electronic format mutually agreed upon by the superior court requesting it and the department of information services. The annual merger of the list of registered voters residing in each county with the list of licensed drivers and identicard holders residing in each county to form a jury source list for each county shall be in accordance with the standards and methodology established in this chapter or by superseding court rule whether the merger is accomplished by the ~~((department of information services))~~ consolidated technology services agency or by a county.

(2) Persons on the lists of registered voters and driver's license and identicard holders shall be identified by a minimum of last name, first name, middle initial where available, date of birth, gender, and county of residence. Identifying information shall be used when merging the lists to ensure to the extent reasonably possible that persons are only listed once on the merged list. Conflicts in addresses are to be resolved by using the most recent record by date of last vote in a general election, date of driver's license or identicard address change or date of voter registration.

(3) The ~~((department of information services))~~ consolidated technology services agency shall provide counties that elect to receive a jury source list merged by ~~((department of information services))~~ the consolidated technology services agency with a list of names which are possible duplicates that cannot be



resolved based on the identifying information required under subsection (2) of this section. If a possible duplication cannot subsequently be resolved satisfactorily through reasonable efforts by the county receiving the merged list, the possible duplicate name shall be stricken from the jury source list until the next annual jury source list is prepared.

**Sec. 813.** RCW 29A.08.760 and 2009 c 369 s 35 are each amended to read as follows:

The secretary of state shall provide a duplicate copy of the master statewide computer file or electronic data file of registered voters to the ~~((department of information services))~~ consolidated technology services agency for purposes of creating the jury source list without cost. Restrictions as to the commercial use of the information on the statewide computer tape or data file of registered voters, and penalties for its misuse, shall be the same as provided in RCW 29A.08.720 and 29A.08.740.

**Sec. 814.** RCW 43.63A.550 and 1998 c 245 s 71 are each amended to read as follows:

(1) The department shall assist in the process of inventorying and collecting data on public and private land for the acquisition of data describing land uses, demographics, infrastructure, critical areas, transportation corridors physical features, housing, and other information useful in managing growth throughout the state. For this purpose the department ~~((shall))~~ may contract with the ~~((department of information services))~~ consolidated technology services agency and shall form an advisory group consisting of representatives from state, local, and federal agencies, colleges and universities, and private firms with expertise in land planning, and geographic information systems.

(2) The department shall establish a sequence for acquiring data, giving priority to rapidly growing areas. The data shall be retained in a manner to facilitate its use in preparing maps, aggregating with data from multiple jurisdictions, and comparing changes over time. Data shall further be retained in a manner which permits its access via computer.

(3) The department shall work with other state agencies, local governments, and private organizations that are inventorying public and private lands to ensure close coordination and to ensure that duplication of efforts does not occur.

**\*NEW SECTION. Sec. 815.** *(1) The state auditor shall complete a two-part performance audit of the consolidated state data center. The first part of the performance audit may include, but is not limited to:*

*(a) A review of the business case developed prior to the state entering into financial agreements for the consolidated state data center, including an assessment of:*

*(i) The methodology used to determine the requisite size and scale of the project;*

*(ii) The cost assumptions developed as part of the business case for building a data center in Thurston county as compared to building a data center in other locations in the state;*

*(iii) To what extent private sector alternatives were considered; and*

*(iv) An assessment of the decision-making process leading up to the decision to enter into financial agreements for the consolidated state data*

center, including who made the decision to pursue the consolidated state data center over other alternatives; and

(b) A review of the timeline under which milestone decisions were made regarding the consolidated state data center.

(2) The first part of the performance audit conducted under this section will be used to inform the second part of the performance audit conducted under section 816 of this act. The full two-part performance audit must be completed and submitted to the governor and the legislature by December 1, 2012.

\*Sec. 815 was vetoed. See message at end of chapter.

**NEW SECTION.** Sec. 816. (1) Upon completion of the first part of a two-part performance audit of the consolidated state data center as outlined under section 815 of this act, the state auditor shall complete the second part of the performance audit. The second part of the performance audit may include, but is not limited to, a technical and financial assessment of the current business plan developed for the consolidated state data center, which may include:

(a) A detailed comparison of the consolidated state data center business plan with business plans developed for state data centers in other states;

(b) The costs associated with transitioning to, and operating, the consolidated state data center, including analysis of the fixed lease costs, the up-front transition costs, and the ongoing maintenance and operation costs;

(c) The potential budgetary impacts on the general fund in the short and long term;

(d) The predictability of the cost of occupying the consolidated state data center for state agencies;

(e) The risks associated with transitioning to the consolidated state data center, including the possibility of service interruptions, cost overruns, and other unforeseen costs;

(f) The potential return on investment for state taxpayers, including the future value of the consolidated state data center once the state has paid the lease costs in full; and

(g) A review of the business and financial viability of the state receiving revenue from leasing equipment or excess capacity, or both, in data halls 3 and 4 of the consolidated state data center.

(2) The full performance audit must be completed and submitted to the governor and the legislature by December 1, 2012.

\*Sec. 816 was vetoed. See message at end of chapter.

## PART IX EDUCATION RESEARCH AND DATA CENTER

\*Sec. 901. RCW 43.41.400 and 2009 c 548 s 201 are each amended to read as follows:

~~((1) An education data center shall be established in the office of financial management. The education data center shall jointly, with the legislative evaluation and accountability program committee, conduct collaborative analyses of early learning, K-12, and higher education programs and education issues across the P-20 system, which includes the department of~~

~~early learning, the superintendent of public instruction, the professional educator standards board, the state board of education, the state board for community and technical colleges, the workforce training and education coordinating board, the higher education coordinating board, public and private nonprofit four-year institutions of higher education, and the employment security department. The education data center shall conduct collaborative analyses under this section with the legislative evaluation and accountability program committee and provide data electronically to the legislative evaluation and accountability program committee, to the extent permitted by state and federal confidentiality requirements. The education data center shall be considered an authorized representative of the state educational agencies in this section under applicable federal and state statutes for purposes of accessing and compiling student record data for research purposes.~~

~~(2) The education data center shall:~~

~~(a) In consultation with the legislative evaluation and accountability program committee and the agencies and organizations participating in the education data center, identify the critical research and policy questions that are intended to be addressed by the education data center and the data needed to address the questions;~~

~~(b) Coordinate with other state education agencies to compile and analyze education data, including data on student demographics that is disaggregated by distinct ethnic categories within racial subgroups, and complete P-20 research projects;~~

~~(c) Collaborate with the legislative evaluation and accountability program committee and the education and fiscal committees of the legislature in identifying the data to be compiled and analyzed to ensure that legislative interests are served;~~

~~(d) Annually provide to the K-12 data governance group a list of data elements and data quality improvements that are necessary to answer the research and policy questions identified by the education data center and have been identified by the legislative committees in (c) of this subsection. Within three months of receiving the list, the K-12 data governance group shall develop and transmit to the education data center a feasibility analysis of obtaining or improving the data, including the steps required, estimated time frame, and the financial and other resources that would be required. Based on the analysis, the education data center shall submit, if necessary, a recommendation to the legislature regarding any statutory changes or resources that would be needed to collect or improve the data;~~

~~(e) Monitor and evaluate the education data collection systems of the organizations and agencies represented in the education data center ensuring that data systems are flexible, able to adapt to evolving needs for information, and to the extent feasible and necessary, include data that are needed to conduct the analyses and provide answers to the research and policy questions identified in (a) of this subsection;~~

~~(f)) The office of financial management shall:~~

~~(1) Track enrollment and outcomes through the public centralized higher education enrollment system;~~

~~((g))~~ (2) Assist other state educational agencies' collaborative efforts to develop a long-range enrollment plan for higher education including estimates to meet demographic and workforce needs;

~~((h)) Provide research that focuses on student transitions within and among the early learning, K-12, and higher education sectors in the P-20 system; and~~

~~(i) Make recommendations to the legislature as necessary to help ensure the goals and objectives of this section and RCW 28A.655.210 and 28A.300.507 are met.~~

~~(3) The department of early learning, superintendent of public instruction, professional educator standards board, state board of education, state board for community and technical colleges, workforce training and education coordinating board, higher education coordinating board, public four-year institutions of higher education, and employment security department shall work with the education data center to develop data-sharing and research agreements, consistent with applicable security and confidentiality requirements, to facilitate the work of the center. Private, nonprofit institutions of higher education that provide programs of education beyond the high school level leading at least to the baccalaureate degree and are accredited by the Northwest association of schools and colleges or their peer accreditation bodies may also develop data sharing and research agreements with the education data center, consistent with applicable security and confidentiality requirements. The education data center shall make data from collaborative analyses available to the education agencies and institutions that contribute data to the education data center to the extent allowed by federal and state security and confidentiality requirements applicable to the data of each contributing agency or institution))~~

(3) Develop data-sharing and research agreements with the legislative evaluation and accountability program and public institutions of higher education, consistent with applicable security and confidentiality requirements, to facilitate the work of the education research and data center under section 902 of this act; and

(4) Cooperate with the education research and data center to compile and analyze education data.

\*Sec. 901 was vetoed. See message at end of chapter.

**\*NEW SECTION, Sec. 902.** A new section is added to chapter 44.48 RCW to read as follows:

(1) An education research and data center is established under the legislative evaluation and accountability program committee. The purpose of the center is to:

(a) Serve as a data warehouse for education data across the P-20 education system, which includes the department of early learning, the office of the superintendent of public instruction, the professional educator standards board, the state board of education, the state board for community and technical colleges, the workforce training and education coordinating board, the office of financial management, the higher education coordinating board, public and private nonprofit four-year institutions of higher education, and the employment security department;

*(b) Coordinate with other state education agencies to compile and analyze education data, including data on student demographics that is disaggregated by distinct ethnic categories within racial subgroups, and conduct collaborative analyses of early learning, K-12, and higher education programs and education issues across the P-20 system;*

*(c) Disseminate education data and information, consistent with applicable security and confidentiality requirements, to the education agencies and institutions that contribute data to the center and to school districts, policymakers, educators, researchers, and the public; and*

*(d) Develop and maintain a searchable web site with education data and information, including downloadable files and customizable reports.*

*(2) The education research and data center shall be considered an authorized representative of the state educational agencies in this section under applicable federal and state statutes for purposes of accessing and compiling student record data for research purposes.*

*(3) The education research and data center shall:*

*(a) In consultation with the agencies and organizations participating in the center, identify the critical research and policy questions that are intended to be addressed by the center, the data needed to address the questions, key clients for the data and their needs, and the role these clients can play in addressing the questions;*

*(b) Collaborate with the office of financial management and the education and fiscal committees of the legislature in identifying the data to be compiled and analyzed;*

*(c) Annually provide to the K-12 data governance group under RCW 28A.300.507 a list of data elements and data quality improvements that are necessary to answer critical research and policy questions. Within three months of receiving the list, the K-12 data governance group shall develop and transmit to the center a feasibility analysis of obtaining or improving the data, including the steps required, estimated time frame, and the financial and other resources that would be required. Based on the analysis, the education research and data center shall submit, if necessary, a recommendation to the legislature regarding any statutory changes or resources that would be needed to collect or improve the data;*

*(d) Monitor and evaluate the education data collection systems of the state educational agencies to ensure that data systems are flexible and able to adapt to evolving needs for information, and to the extent feasible and necessary, include data needed to conduct the analyses and provide answers to the research and policy questions identified in (a) of this subsection;*

*(e) Facilitate use of the data to support academic research and studies by the state educational agencies, independent academic researchers, legislative research agencies, and others; and*

*(f) Make recommendations to the legislature as necessary so that the goals and objectives of this section and RCW 28A.655.210 and 28A.300.507 are met.*

*(4) The department of early learning, office of the superintendent of public instruction, professional educator standards board, state board of education, state board for community and technical colleges, workforce training and education coordinating board, higher education coordinating board, office of financial management, public four-year institutions of higher*

*education, and employment security department shall work with the education research and data center to develop data-sharing and research agreements, consistent with applicable security and confidentiality requirements, to facilitate the work of the center. Private, nonprofit institutions of higher education that provide programs of education beyond the high school level leading at least to the baccalaureate degree and are accredited by the Northwest association of schools and colleges or their peer accreditation bodies may also develop data-sharing and research agreements with the education research and data center, consistent with applicable security and confidentiality requirements.*

*(5) The education research and data center and the superintendent of public instruction shall take all actions necessary to secure federal funds to implement this section, RCW 28A.655.210, and 28A.300.507.*

*\*Sec. 902 was vetoed. See message at end of chapter.*

*\*Sec. 903. RCW 44.48.090 and 2001 c 259 s 14 are each amended to read as follows:*

*The committee shall have the following powers:*

*(1) To have timely access, upon written request of the administrator, to all machine readable, printed, and other data of state agencies relative to expenditures, budgets, and related fiscal matters;*

*(2) To suggest changes relative to state accounting and reporting systems to the office of financial management or its successor and to require timely written responses to such suggestions; (~~and~~)*

*(3) Subject to RCW 44.04.260, to enter into contracts; and when entering into any contract for computer access, make necessary provisions relative to the scheduling of computer time and usage in recognition of the unique requirements and priorities of the legislative process; and*

*(4) To manage and oversee the education research and data center as provided in section 902 of this act.*

*\*Sec. 903 was vetoed. See message at end of chapter.*

*\*NEW SECTION. Sec. 904. (1) The education data center in the office of financial management is abolished.*

*(2)(a) All reports, documents, surveys, books, records, files, papers, databases, or other written or electronic material in the possession of the education data center shall be delivered to the custody of the legislative evaluation and accountability program committee for purposes of the education research and data center established under section 902 of this act. Written or electronic materials and data sets pertaining solely to the public centralized higher education enrollment system shall be retained by the office of financial management, but written or electronic materials and data sets that are the result of the work of the education data center to link data in the public centralized higher education enrollment system to other educational databases shall be delivered to the legislative evaluation and accountability program committee. All funds, credits, or other monetary assets held by the education data center shall be assigned to the legislative evaluation and accountability program committee.*

*(b) Any appropriations made to the office of financial management for purposes of the education data center shall, on the effective date of this*

*section, be transferred and credited to the legislative evaluation and accountability program committee.*

*(c) If any questions arise as to the transfer of any funds, books, documents, records, papers, files, databases, or other written or electronic material previously used or held in the exercise of the powers and performance of the education data center, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.*

*(d) The elimination of the education data center shall not affect the validity of any act performed before the effective date of this section.*

*(e) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and property records in accordance with the certification.*

*(3) All data-sharing and research agreements developed between the state educational agencies under section 902 of this act and the education data center before the effective date of this section shall be transferred to the education research and data center under the legislative evaluation and accountability program committee and shall be continued and acted upon by the education research and data center as the successor agency and authorized representative of the state educational agencies. All existing contracts and obligations shall remain in full force and shall be performed by the education research and data center.*

*(4) The education research and data center under the legislative evaluation and accountability program committee shall assume the role of program director for purposes of the federal evergreen state P-20 longitudinal education data system grant.*

\*Sec. 904 was vetoed. See message at end of chapter.

\*Sec. 905. RCW 28A.300.500 and 2007 c 401 s 2 are each amended to read as follows:

*(1) The office of the superintendent of public instruction is authorized to establish a longitudinal student data system for and on behalf of school districts in the state. The primary purpose of the data system is to better aid research into programs and interventions that are most effective in improving student performance, better understand the state's public educator workforce, and provide information on areas within the educational system that need improvement.*

*(2) The confidentiality of personally identifiable student data shall be safeguarded consistent with the requirements of the federal family educational rights privacy act and applicable state laws. Consistent with the provisions of these federal and state laws, data may be disclosed for educational purposes and studies, including but not limited to:*

*(a) Educational studies authorized or mandated by the state legislature;*

*(b) Studies initiated by other state educational authorities and authorized by the office of the superintendent of public instruction, including analysis conducted by the education research and data center established under (~~RCW 43.41.400~~) section 902 of this act; and*

*(c) Studies initiated by other public or private agencies and organizations and authorized by the office of the superintendent of public instruction.*

*(3) Any agency or organization that is authorized by the office of the superintendent of public instruction to access student-level data shall adhere to all federal and state laws protecting student data and safeguarding the confidentiality and privacy of student records.*

*(4) Nothing in this section precludes the office of the superintendent of public instruction from collecting and distributing aggregate data about students or student-level data without personally identifiable information.*

*\*Sec. 905 was vetoed. See message at end of chapter.*

*\*Sec. 906. RCW 28A.300.507 and 2009 c 548 s 203 are each amended to read as follows:*

*(1) A K-12 data governance group shall be established within the office of the superintendent of public instruction to assist in the design and implementation of a K-12 education data improvement system for financial, student, and educator data. It is the intent that the data system reporting specifically serve requirements for teachers, parents, superintendents, school boards, the office of the superintendent of public instruction, the legislature, and the public.*

*(2) The K-12 data governance group shall include representatives of the education research and data center, the office of the superintendent of public instruction, ~~((the legislative evaluation and accountability program committee,))~~ the professional educator standards board, the state board of education, and school district staff, including information technology staff. Additional entities with expertise in education data may be included in the K-12 data governance group.*

*(3) The K-12 data governance group shall:*

*(a) Identify the critical research and policy questions that need to be addressed by the K-12 education data improvement system;*

*(b) Identify reports and other information that should be made available on the internet in addition to the reports identified in subsection (5) of this section;*

*(c) Create a comprehensive needs requirement document detailing the specific information and technical capacity needed by school districts and the state to meet the legislature's expectations for a comprehensive K-12 education data improvement system as described under RCW 28A.655.210;*

*(d) Conduct a gap analysis of current and planned information compared to the needs requirement document, including an analysis of the strengths and limitations of an education data system and programs currently used by school districts and the state, and specifically the gap analysis must look at the extent to which the existing data can be transformed into canonical form and where existing software can be used to meet the needs requirement document;*

*(e) Focus on financial and cost data necessary to support the new K-12 financial models and funding formulas, including any necessary changes to school district budgeting and accounting, and on assuring the capacity to link data across financial, student, and educator systems; and*

*(f) Define the operating rules and governance structure for K-12 data collections, ensuring that data systems are flexible and able to adapt to evolving needs for information, within an objective and orderly data*



*governance process for determining when changes are needed and how to implement them. Strong consideration must be made to the current practice and cost of migration to new requirements. The operating rules should delineate the coordination, delegation, and escalation authority for data collection issues, business rules, and performance goals for each K-12 data collection system, including:*

- (i) Defining and maintaining standards for privacy and confidentiality;*
- (ii) Setting data collection priorities;*
- (iii) Defining and updating a standard data dictionary;*
- (iv) Ensuring data compliance with the data dictionary;*
- (v) Ensuring data accuracy; and*

*(vi) Establishing minimum standards for school, student, financial, and teacher data systems. Data elements may be specified "to the extent feasible" or "to the extent available" to collect more and better data sets from districts with more flexible software. Nothing in ~~((RCW 43.41.400))~~ section 902 of this act, this section, or RCW 28A.655.210 should be construed to require that a data dictionary or reporting should be hobbled to the lowest common set. The work of the K-12 data governance group must specify which data are desirable. Districts that can meet these requirements shall report the desirable data. Funding from the legislature must establish which subset data are absolutely required.*

*(4)(a) The K-12 data governance group shall provide updates on its work as requested by the education research and data center ~~((and the legislative evaluation and accountability program committee))~~.*

*(b) The work of the K-12 data governance group shall be periodically reviewed and monitored by the ~~((educational))~~ education research and data center ~~((and the legislative evaluation and accountability program committee))~~.*

*(5) To the extent data is available, the office of the superintendent of public instruction shall make the following minimum reports available on the internet. The reports must either be run on demand against current data, or, if a static report, must have been run against the most recent data:*

*(a) The percentage of data compliance and data accuracy by school district;*

*(b) The magnitude of spending per student, by student estimated by the following algorithm and reported as the detailed summation of the following components:*

*(i) An approximate, prorated fraction of each teacher or human resource element that directly serves the student. Each human resource element must be listed or accessible through online tunneling in the report;*

*(ii) An approximate, prorated fraction of classroom or building costs used by the student;*

*(iii) An approximate, prorated fraction of transportation costs used by the student; and*

*(iv) An approximate, prorated fraction of all other resources within the district. District-wide components should be disaggregated to the extent that it is sensible and economical;*

(c) *The cost of K-12 basic education, per student, by student, by school district, estimated by the algorithm in (b) of this subsection, and reported in the same manner as required in (b) of this subsection;*

(d) *The cost of K-12 special education services per student, by student receiving those services, by school district, estimated by the algorithm in (b) of this subsection, and reported in the same manner as required in (b) of this subsection;*

(e) *Improvement on the statewide assessments computed as both a percentage change and absolute change on a scale score metric by district, by school, and by teacher that can also be filtered by a student's length of full-time enrollment within the school district;*

(f) *Number of K-12 students per classroom teacher on a per teacher basis;*

(g) *Number of K-12 classroom teachers per student on a per student basis;*

(h) *Percentage of a classroom teacher per student on a per student basis;*  
and

(i) *The cost of K-12 education per student by school district sorted by federal, state, and local dollars.*

(6) *The superintendent of public instruction shall submit a preliminary report to the legislature by November 15, 2009, including the analyses by the K-12 data governance group under subsection (3) of this section and preliminary options for addressing identified gaps. A final report, including a proposed phase-in plan and preliminary cost estimates for implementation of a comprehensive data improvement system for financial, student, and educator data shall be submitted to the legislature by September 1, 2010.*

(7) *All reports and data referenced in this section (~~and RCW 43.41.400~~), section 902 of this act, and RCW 28A.655.210 shall be made available in a manner consistent with the technical requirements of the (~~legislative evaluation and accountability program committee and the~~) education research and data center so that selected data can be provided to the legislature, governor, school districts, and the public.*

(8) *Reports shall contain data to the extent it is available. All reports must include documentation of which data are not available or are estimated. Reports must not be suppressed because of poor data accuracy or completeness. Reports may be accompanied with documentation to inform the reader of why some data are missing or inaccurate or estimated.*

\*Sec. 906 was vetoed. See message at end of chapter.

\*Sec. 907. *RCW 28A.655.210 and 2009 c 548 s 202 are each amended to read as follows:*

(1) *It is the legislature's intent to establish a comprehensive K-12 education data improvement system for financial, student, and educator data. The objective of the system is to monitor student progress, have information on the quality of the educator workforce, monitor and analyze the costs of programs, provide for financial integrity and accountability, and have the capability to link across these various data components by student, by class, by teacher, by school, by district, and statewide. Education data systems must be flexible and able to adapt to evolving needs for information, but there must be an objective and orderly data governance process for determining when changes are needed and how to implement them. It is the further intent of the legislature to provide independent review and evaluation of a comprehensive*

*K-12 education data improvement system by assigning the review and monitoring responsibilities to the education research and data center (~~and the legislative evaluation and accountability program committee~~).*

*(2) It is the intent that the data system specifically service reporting requirements for teachers, parents, superintendents, school boards, the legislature, the office of the superintendent of public instruction, and the public.*

*(3) It is the legislature's intent that the K-12 education data improvement system used by school districts and the state include but not be limited to the following information and functionality:*

*(a) Comprehensive educator information, including grade level and courses taught, building or location, program, job assignment, years of experience, the institution of higher education from which the educator obtained his or her degree, compensation, class size, mobility of class population, socioeconomic data of class, number of languages and which languages are spoken by students, general resources available for curriculum and other classroom needs, and number and type of instructional support staff in the building;*

*(b) The capacity to link educator assignment information with educator certification information such as certification number, type of certification, route to certification, certification program, and certification assessment or evaluation scores;*

*(c) Common coding of secondary courses and major areas of study at the elementary level or standard coding of course content;*

*(d) Robust student information, including but not limited to student characteristics, course and program enrollment, performance on statewide and district summative and formative assessments to the extent district assessments are used, and performance on college readiness tests;*

*(e) A subset of student information elements to serve as a dropout early warning system;*

*(f) The capacity to link educator information with student information;*

*(g) A common, standardized structure for reporting the costs of programs at the school and district level with a focus on the cost of services delivered to students;*

*(h) Separate accounting of state, federal, and local revenues and costs;*

*(i) Information linking state funding formulas to school district budgeting and accounting, including procedures:*

*(i) To support the accuracy and auditing of financial data; and*

*(ii) Using the prototypical school model for school district financial accounting reporting;*

*(j) The capacity to link program cost information with student performance information to gauge the cost-effectiveness of programs;*

*(k) Information that is centrally accessible and updated regularly; and*

*(l) An anonymous, nonidentifiable replicated copy of data that is updated at least quarterly, and made available to the public by the state.*

*(4) It is the legislature's goal that all school districts have the capability to collect state-identified common data and export it in a standard format to support a statewide K-12 education data improvement system under this section.*

(5) *It is the legislature's intent that the K-12 education data improvement system be developed to provide the capability to make reports as required under RCW 28A.300.507 available.*

(6) *It is the legislature's intent that school districts collect and report new data elements to satisfy the requirements of (~~RCW 43.41.400~~) section 902 of this act, this section, and RCW 28A.300.507, only to the extent funds are available for this purpose.*

\*Sec. 907 was vetoed. See message at end of chapter.

\*Sec. 908. *RCW 28A.657.110 and 2010 c 235 s 111 are each amended to read as follows:*

(1) *The state board of education shall continue to refine the development of an accountability framework that creates a unified system of support for challenged schools, that aligns with basic education, increases the level of support based upon the magnitude of need, and uses data for decisions.*

(2) *The state board of education shall develop an accountability index to identify schools and districts for recognition, for continuous improvement, and for additional state support. The index shall be based on criteria that are fair, consistent, and transparent. Performance shall be measured using multiple outcomes and indicators including, but not limited to, graduation rates and results from statewide assessments. The index shall be developed in such a way as to be easily understood by both employees within the schools and districts, as well as parents and community members. It is the legislature's intent that the index provide feedback to schools and districts to self-assess their progress, and enable the identification of schools with exemplary student performance and those that need assistance to overcome challenges in order to achieve exemplary student performance.*

(3) *The state board of education, in cooperation with the office of the superintendent of public instruction, shall annually recognize schools for exemplary performance as measured on the state board of education accountability index. The state board of education shall have ongoing collaboration with the achievement gap oversight and accountability committee regarding the measures used to measure the closing of the achievement gaps and the recognition provided to the school districts for closing the achievement gaps.*

(4) *In coordination with the superintendent of public instruction, the state board of education shall seek approval from the United States department of education for use of the accountability index and the state system of support, assistance, and intervention, to replace the federal accountability system under P.L. 107-110, the no child left behind act of 2001.*

(5) *The state board of education shall work with the education research and data center (~~established within the office of financial management~~) and the technical working group established in (~~section 112, chapter 548, Laws of 2009~~) RCW 28A.290.020 to determine the feasibility of using the prototypical funding allocation model as not only a tool for allocating resources to schools and districts but also as a tool for schools and districts to report to the state legislature and the state board of education on how the state resources received are being used.*

\*Sec. 908 was vetoed. See message at end of chapter.

**\*NEW SECTION. Sec. 909.** *RCW 43.41.405 (K-12 data—Securing federal funds) and 2009 c 548 s 204 are each repealed.*

*\*Sec. 909 was vetoed. See message at end of chapter.*

**PART X  
ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS**

**NEW SECTION. Sec. 1001.** A new section is added to chapter 41.80 RCW to read as follows:

(1) By January 1, 2012, the public employment relations commission may review the appropriateness of the collective bargaining units transferred under sections 1002, 1003, 1004, 1008, and 1009 of this act. The employer or the exclusive bargaining representative may petition the public employment relations commission to review the bargaining units in accordance with this section.

(2) If the commission determines that an existing collective bargaining unit is appropriate pursuant to RCW 41.80.070, the exclusive bargaining representative certified to represent the bargaining unit prior to January 1, 2012, shall continue as the exclusive bargaining representative without the necessity of an election.

(3) If the commission determines that existing collective bargaining units are not appropriate, the commission may modify the units and order an election pursuant to RCW 41.80.080. Certified bargaining representatives will not be required to demonstrate a showing of interest to be included on the ballot.

(4) The commission may require an election pursuant to RCW 41.80.080 if similarly situated employees are represented by more than one employee organization. Certified bargaining representatives will not be required to demonstrate a showing of interest to be included on the ballot.

**NEW SECTION. Sec. 1002.** A new section is added to chapter 43.19 RCW to read as follows:

(1) The department of general administration is hereby abolished and its powers, duties, and functions are transferred to the department of enterprise services. All references to the director or department of general administration in the Revised Code of Washington shall be construed to mean the director or the department of enterprise services.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of general administration shall be delivered to the custody of the department of enterprise services. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of general administration shall be made available to the department of enterprise services. All funds, credits, or other assets held by the department of general administration shall be assigned to the department of enterprise services.

(b) Any appropriations made to the department of general administration shall, on the effective date of this section, be transferred and credited to the department of enterprise services.

(c) If any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and

functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All rules and all pending business before the department of general administration shall be continued and acted upon by the department of enterprise services. All existing contracts and obligations shall remain in full force and shall be performed by the department of enterprise services.

(4) The transfer of the powers, duties, functions, and personnel of the department of general administration shall not affect the validity of any act performed before the effective date of this section.

(5) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(6) All employees of the department of general administration engaged in performing the powers, functions, and duties transferred to the department of enterprise services, are transferred to the department of enterprise services. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of enterprise services to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service law.

(7) Unless or until modified by the public employment relations commission pursuant to section 1001 of this act:

(a) The bargaining units of employees at the department of general administration existing on the effective date of this section shall be considered appropriate units at the department of enterprise services and will be so certified by the public employment relations commission.

(b) The exclusive bargaining representatives recognized as representing the bargaining units of employees at the department of general administration existing on the effective date of this section shall continue as the exclusive bargaining representatives of the transferred bargaining units without the necessity of an election.

**NEW SECTION. Sec. 1003.** A new section is added to chapter 43.19 RCW to read as follows:

(1) The public printer is hereby abolished and its powers, duties, and functions, to the extent provided in this act, are transferred to the department of enterprise services. All references to the public printer in the Revised Code of Washington shall be construed to mean the director or the department of enterprise services.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the public printer shall be delivered to the custody of the department of enterprise services. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the public printer shall be made available to the department of enterprise services. All funds, credits, or other assets held by the public printer shall be assigned to the department of enterprise services.

(b) Any appropriations made to the public printer shall, on the effective date of this section, be transferred and credited to the department of enterprise services.

(c) If any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All rules and all pending business before the public printer shall be continued and acted upon by the department of enterprise services. All existing contracts and obligations shall remain in full force and shall be performed by the department of enterprise services.

(4) The transfer of the powers, duties, functions, and personnel of the public printer shall not affect the validity of any act performed before the effective date of this section.

(5) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(6) All employees of the public printer engaged in performing the powers, functions, and duties transferred to the department of enterprise services are transferred to the department of enterprise services.

(a) The commercial agreement between the graphic communications conference of the international brotherhood of teamsters, local 767M and the department of printing-bindery that became effective July 1, 2007, shall remain in effect during its duration. Upon expiration, the parties may extend the terms of the agreement; however, the agreement may not be extended beyond September 30, 2011. Beginning October 1, 2011, chapter 41.80 RCW shall apply to the department of enterprise services with respect to employees in positions formerly covered under the expired commercial agreement.

(b) The commercial agreement between the graphic communications conference of the international brotherhood of teamsters, local 767M and the department of printing-litho that became effective July 1, 2007, shall remain in effect during its duration. Upon expiration, the parties may extend the terms of the agreement; however, the agreement may not be extended beyond September 30, 2011. Beginning October 1, 2011, chapter 41.80 RCW shall apply to the department of enterprise services with respect to the employees in positions formerly covered under the expired commercial agreement.

(c) The typographical contract between the communications workers of America, the newspaper guild, local 37082, and the department of printing-typographical that became effective July 1, 2007, shall remain in effect during its duration. Upon expiration, the parties may extend the terms of the agreement; however, the agreement may not be extended beyond September 30, 2011. Beginning October 1, 2011, chapter 41.80 RCW shall apply to the department of enterprise services with respect to the employees in positions formerly covered under the expired typographical contract.

(d) All other employees of the public printer not covered by the contracts and agreements specified in (a) through (c) of this subsection shall be exempt from chapter 41.06 RCW until October 1, 2011, at which time these employees shall be subject to chapter 41.06 RCW, unless otherwise deemed exempt in accordance with that chapter.

(7) Unless or until modified by the public employment relations commission pursuant to section 1001 of this act:

(a) The bargaining units of printing craft employees existing on the effective date of this section shall be considered an appropriate unit at the department of enterprise services and will be so certified by the public employment relations commission; and

(b) The exclusive bargaining representatives recognized as representing the bargaining units of printing craft employees existing on the effective date of this section shall continue as the exclusive bargaining representatives of the transferred bargaining units without the necessity of an election.

**NEW SECTION. Sec. 1004.** A new section is added to chapter 43.19 RCW to read as follows:

(1) The powers, duties, and functions of the department of information services as set forth in sections 601, 602, and 614 of this act are hereby transferred to the department of enterprise services.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of information services pertaining to the powers, duties, and functions transferred shall be delivered to the custody of the department of enterprise services. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of information services in carrying out the powers, duties, and functions transferred shall be made available to the department of enterprise services. All funds, credits, or other assets held by the department of information services in connection with the powers, duties, and functions transferred shall be assigned to the department of enterprise services.

(b) Any appropriations made to the department of information services for carrying out the powers, functions, and duties transferred shall, on the effective date of this section, be transferred and credited to the department of enterprise services.

(c) If any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All rules and all pending business before the department of information services pertaining to the powers, duties, and functions transferred shall be continued and acted upon by the department of enterprise services. All existing contracts and obligations shall remain in full force and shall be performed by the department of enterprise services.

(4) The transfer of the powers, duties, functions, and personnel of the department of information services shall not affect the validity of any act performed before the effective date of this section.



(5) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(6) All employees of the department of information services engaged in performing the powers, functions, and duties transferred to the department of enterprise services, are transferred to the department of enterprise services. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of enterprise services to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service law.

(7) Unless or until modified by the public employment relations commission pursuant to section 1001 of this act:

(a) The portions of the bargaining units of employees at the department of information services existing on the effective date of this section shall be considered appropriate units at the department of enterprise services and will be so certified by the public employment relations commission.

(b) The exclusive bargaining representatives recognized as representing the portions of the bargaining units of employees at the department of information services existing on the effective date of this section shall continue as the exclusive bargaining representative of the transferred bargaining units without the necessity of an election.

**NEW SECTION. Sec. 1005.** A new section is added to chapter 43.19 RCW to read as follows:

(1) Those powers, duties, and functions of the department of personnel being transferred to the department of enterprise services as set forth in Part IV of this act are hereby transferred to the department of enterprise services.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of personnel pertaining to the powers, duties, and functions transferred shall be delivered to the custody of the department of enterprise services. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of personnel in carrying out the powers, duties, and functions transferred shall be made available to the department of enterprise services. All funds, credits, or other assets held by the department of personnel in connection with the powers, duties, and functions transferred shall be assigned to the department of enterprise services.

(b) Any appropriations made to the department of personnel for carrying out the powers, functions, and duties transferred shall, on the effective date of this section, be transferred and credited to the department of enterprise services.

(c) If any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All rules and all pending business before the department of personnel pertaining to the powers, duties, and functions transferred shall be continued and acted upon by the department of enterprise services. All existing contracts and obligations shall remain in full force and shall be performed by the department of enterprise services.

(4) The transfer of the powers, duties, functions, and personnel of the department of personnel shall not affect the validity of any act performed before the effective date of this section.

(5) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(6) All employees of the department of personnel engaged in performing the powers, functions, and duties transferred to the department of enterprise services, are transferred to the department of enterprise services. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of enterprise services to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service law.

**NEW SECTION. Sec. 1006.** A new section is added to chapter 43.41 RCW to read as follows:

(1) Those powers, duties, and functions of the department of personnel being transferred to the office of financial management as set forth in Part IV of this act are hereby transferred to the office of financial management.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of personnel pertaining to the powers, duties, and functions transferred shall be delivered to the custody of the office of financial management. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of personnel in carrying out the powers, duties, and functions transferred shall be made available to the office of financial management. All funds, credits, or other assets held by the department of personnel in connection with the powers, duties, and functions transferred shall be assigned to the office of financial management.

(b) Any appropriations made to the department of personnel for carrying out the powers, functions, and duties transferred shall, on the effective date of this section, be transferred and credited to the office of financial management.

(c) If any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All rules and all pending business before the department of personnel pertaining to the powers, duties, and functions transferred shall be continued and acted upon by the office of financial management. All existing contracts and

obligations shall remain in full force and shall be performed by the office of financial management.

(4) The transfer of the powers, duties, functions, and personnel of the department of personnel shall not affect the validity of any act performed before the effective date of this section.

(5) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(6) All employees of the department of personnel engaged in performing the powers, functions, and duties transferred to the office of financial management, are transferred to the office of financial management. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the office of financial management to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service law.

**NEW SECTION. Sec. 1007.** A new section is added to chapter 43.19 RCW to read as follows:

(1) The powers, duties, and functions of the office of financial management as set forth in Part V of this act are hereby transferred to the department of enterprise services.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the office of financial management pertaining to the powers, duties, and functions transferred shall be delivered to the custody of the department of enterprise services. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the office of financial management in carrying out the powers, duties, and functions transferred shall be made available to the department of enterprise services. All funds, credits, or other assets held by the office of financial management in connection with the powers, duties, and functions transferred shall be assigned to the department of enterprise services.

(b) Any appropriations made to the office of financial management for carrying out the powers, functions, and duties transferred shall, on the effective date of this section, be transferred and credited to the department of enterprise services.

(c) If any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All rules and all pending business before the office of financial management pertaining to the powers, duties, and functions transferred shall be continued and acted upon by the department of enterprise services. All existing contracts and obligations shall remain in full force and shall be performed by the department of enterprise services.

(4) The transfer of the powers, duties, functions, and personnel of the office of financial management shall not affect the validity of any act performed before the effective date of this section.

(5) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(6) All employees of the office of financial management engaged in performing the powers, functions, and duties transferred to the department of enterprise services, are transferred to the department of enterprise services. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to department of enterprise services to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service law.

**NEW SECTION. Sec. 1008.** A new section is added to chapter 43.330 RCW to read as follows:

(1) All powers, duties, and functions of the department of information services pertaining to high-speed internet activities are transferred to the department of commerce. All references to the director or the department of information services in the Revised Code of Washington shall be construed to mean the director or the department of commerce when referring to the functions transferred in this section.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of information services pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the department of commerce. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of information services in carrying out the powers, functions, and duties transferred shall be made available to the department of commerce. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the department of commerce.

(b) Any appropriations made to the department of information services for carrying out the powers, functions, and duties transferred shall, on the effective date of this section, be transferred and credited to the department of commerce.

(c) Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees of the department of information services engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the department of commerce. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of commerce to perform their usual duties upon the same terms as formerly,

without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the department of information services pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the department of commerce. All existing contracts and obligations shall remain in full force and shall be performed by the department of commerce.

(5) The transfer of the powers, duties, functions, and personnel of the department of information services shall not affect the validity of any act performed before the effective date of this section.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(7) All classified employees of the department of information services assigned to the department of commerce under this section whose positions are within an existing bargaining unit description at the department of commerce shall become a part of the existing bargaining unit at the department of commerce and shall be considered an appropriate inclusion or modification of the existing bargaining unit under the provisions of chapter 41.80 RCW.

**NEW SECTION. Sec. 1009.** A new section is added to chapter 43.330 RCW to read as follows:

(1) Those powers, duties, and functions of the department of information services being transferred to the consolidated technology services agency as set forth in sections 801 through 816 of this act are hereby transferred to the consolidated technology services agency.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of information services shall be delivered to the custody of the consolidated technology services agency. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of information services shall be made available to the consolidated technology services agency. All funds, credits, or other assets held by the department of information services shall be assigned to the consolidated technology services agency.

(b) Any appropriations made to the department of information services shall, on the effective date of this section, be transferred and credited to the consolidated technology services agency.

(c) If any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All rules and all pending business before the department of information services pertaining to the powers, duties, and functions transferred shall be continued and acted upon by the consolidated technology services agency. All

existing contracts and obligations shall remain in full force and shall be performed by the consolidated technology services agency.

(4) The transfer of the powers, duties, functions, and personnel of the department of information services shall not affect the validity of any act performed before the effective date of this section.

(5) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(6) All employees of the department of information services engaged in performing the powers, functions, and duties transferred to the consolidated technology services agency are transferred to the consolidated technology services agency. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the consolidated technology services agency to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service law.

(7) Unless or until modified by the public employment relations commission pursuant to section 1001 of this act:

(a) The portions of the bargaining units of employees at the department of information services existing on the effective date of this section shall be considered appropriate units at the consolidated technology services agency and will be so certified by the public employment relations commission.

(b) The exclusive bargaining representatives recognized as representing the portions of the bargaining units of employees at the department of information services existing on the effective date of this section shall continue as the exclusive bargaining representatives of the transferred bargaining units without the necessity of an election.

**Sec. 1010.** RCW 41.06.070 and 2010 c 271 s 801, 2010 c 2 s 2, and 2010 c 1 s 1 are each reenacted and amended to read as follows:

(1) The provisions of this chapter do not apply to:

(a) The members of the legislature or to any employee of, or position in, the legislative branch of the state government including members, officers, and employees of the legislative council, joint legislative audit and review committee, statute law committee, and any interim committee of the legislature;

(b) The justices of the supreme court, judges of the court of appeals, judges of the superior courts or of the inferior courts, or to any employee of, or position in the judicial branch of state government;

(c) Officers, academic personnel, and employees of technical colleges;

(d) The officers of the Washington state patrol;

(e) Elective officers of the state;

(f) The chief executive officer of each agency;

(g) In the departments of employment security and social and health services, the director and the director's confidential secretary; in all other departments, the executive head of which is an individual appointed by the governor, the director, his or her confidential secretary, and his or her statutory assistant directors;

(h) In the case of a multimember board, commission, or committee, whether the members thereof are elected, appointed by the governor or other authority, serve ex officio, or are otherwise chosen:

(i) All members of such boards, commissions, or committees;

(ii) If the members of the board, commission, or committee serve on a part-time basis and there is a statutory executive officer: The secretary of the board, commission, or committee; the chief executive officer of the board, commission, or committee; and the confidential secretary of the chief executive officer of the board, commission, or committee;

(iii) If the members of the board, commission, or committee serve on a full-time basis: The chief executive officer or administrative officer as designated by the board, commission, or committee; and a confidential secretary to the chair of the board, commission, or committee;

(iv) If all members of the board, commission, or committee serve ex officio: The chief executive officer; and the confidential secretary of such chief executive officer;

(i) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the state;

(j) Assistant attorneys general;

(k) Commissioned and enlisted personnel in the military service of the state;

(l) Inmate, student, part-time, or temporary employees, and part-time professional consultants, as defined by the Washington personnel resources board;

~~(m) ((The public printer or to any employees of or positions in the state printing plant;~~

~~((n))~~ Officers and employees of the Washington state fruit commission;

~~((o))~~ (n) Officers and employees of the Washington apple commission;

~~((p))~~ (o) Officers and employees of the Washington state dairy products commission;

~~((q))~~ (p) Officers and employees of the Washington tree fruit research commission;

~~((r))~~ (q) Officers and employees of the Washington state beef commission;

~~((s))~~ (r) Officers and employees of the Washington grain commission;

~~((t))~~ (s) Officers and employees of any commission formed under chapter 15.66 RCW;

~~((u))~~ (t) Officers and employees of agricultural commissions formed under chapter 15.65 RCW;

~~((v))~~ (u) Officers and employees of the nonprofit corporation formed under chapter 67.40 RCW;

~~((w))~~ (v) Executive assistants for personnel administration and labor relations in all state agencies employing such executive assistants including but not limited to all departments, offices, commissions, committees, boards, or other bodies subject to the provisions of this chapter and this subsection shall prevail over any provision of law inconsistent herewith unless specific exception is made in such law;

~~((x))~~ (w) In each agency with fifty or more employees: Deputy agency heads, assistant directors or division directors, and not more than three principal policy assistants who report directly to the agency head or deputy agency heads;

~~((y))~~ (x) All employees of the marine employees' commission;

~~((z))~~ (y) Staff employed by the department of commerce to administer energy policy functions;

~~((aa))~~ (z) The manager of the energy facility site evaluation council;

~~((bb))~~ (aa) A maximum of ten staff employed by the department of commerce to administer innovation and policy functions, including the three principal policy assistants exempted under (x) of this subsection;

~~((ee))~~ (bb) Staff employed by Washington State University to administer energy education, applied research, and technology transfer programs under RCW 43.21F.045 as provided in RCW 28B.30.900(5);

(cc) Officers and employees of the consolidated technology services agency created in section 801 of this act that perform the following functions or duties: Systems integration; data center engineering and management; network systems engineering and management; information technology contracting; information technology customer relations management; and network and systems security.

(2) The following classifications, positions, and employees of institutions of higher education and related boards are hereby exempted from coverage of this chapter:

(a) Members of the governing board of each institution of higher education and related boards, all presidents, vice presidents, and their confidential secretaries, administrative, and personal assistants; deans, directors, and chairs; academic personnel; and executive heads of major administrative or academic divisions employed by institutions of higher education; principal assistants to executive heads of major administrative or academic divisions; other managerial or professional employees in an institution or related board having substantial responsibility for directing or controlling program operations and accountable for allocation of resources and program results, or for the formulation of institutional policy, or for carrying out personnel administration or labor relations functions, legislative relations, public information, development, senior computer systems and network programming, or internal audits and investigations; and any employee of a community college district whose place of work is one which is physically located outside the state of Washington and who is employed pursuant to RCW 28B.50.092 and assigned to an educational program operating outside of the state of Washington;

(b) The governing board of each institution, and related boards, may also exempt from this chapter classifications involving research activities, counseling of students, extension or continuing education activities, graphic arts or publications activities requiring prescribed academic preparation or special training as determined by the board: PROVIDED, That no nonacademic employee engaged in office, clerical, maintenance, or food and trade services may be exempted by the board under this provision;

(c) Printing craft employees in the department of printing at the University of Washington.

(3) In addition to the exemptions specifically provided by this chapter, the director ~~((of personnel))~~ may provide for further exemptions pursuant to the following procedures. The governor or other appropriate elected official may submit requests for exemption to the ~~((director of personnel))~~ office of financial management stating the reasons for requesting such exemptions. The director ~~((of personnel))~~ shall hold a public hearing, after proper notice, on requests submitted pursuant to this subsection. If the director determines that the position



for which exemption is requested is one involving substantial responsibility for the formulation of basic agency or executive policy or one involving directing and controlling program operations of an agency or a major administrative division thereof, or is a senior expert in enterprise information technology infrastructure, engineering, or systems, the director (~~(of personnel)~~) shall grant the request (~~(and such determination shall be final as to any decision made before July 1, 1993)~~). The total number of additional exemptions permitted under this subsection shall not exceed one percent of the number of employees in the classified service not including employees of institutions of higher education and related boards for those agencies not directly under the authority of any elected public official other than the governor, and shall not exceed a total of twenty-five for all agencies under the authority of elected public officials other than the governor.

The salary and fringe benefits of all positions presently or hereafter exempted except for the chief executive officer of each agency, full-time members of boards and commissions, administrative assistants and confidential secretaries in the immediate office of an elected state official, and the personnel listed in subsections (1)(j) through (~~((y))~~) (u) and (~~((y))~~) (x) and (2) of this section, shall be determined by the director (~~(of personnel)~~). Changes to the classification plan affecting exempt salaries must meet the same provisions for classified salary increases resulting from adjustments to the classification plan as outlined in RCW 41.06.152.

From February 18, 2009, through June 30, 2011, a salary or wage increase shall not be granted to any position exempt from classification under this chapter, except that a salary or wage increase may be granted to employees pursuant to collective bargaining agreements negotiated under chapter 28B.52, 41.56, 47.64, or 41.76 RCW, or negotiated by the nonprofit corporation formed under chapter 67.40 RCW, and except that increases may be granted for positions for which the employer has demonstrated difficulty retaining qualified employees if the following conditions are met:

- (a) The salary increase can be paid within existing resources; and
- (b) The salary increase will not adversely impact the provision of client services.

Any agency granting a salary increase from February 15, 2010, through June 30, 2011, to a position exempt from classification under this chapter shall submit a report to the fiscal committees of the legislature no later than July 31, 2011, detailing the positions for which salary increases were granted, the size of the increases, and the reasons for giving the increases.

Any person holding a classified position subject to the provisions of this chapter shall, when and if such position is subsequently exempted from the application of this chapter, be afforded the following rights: If such person previously held permanent status in another classified position, such person shall have a right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

A person occupying an exempt position who is terminated from the position for gross misconduct or malfeasance does not have the right of reversion to a classified position as provided for in this section.

From February 15, 2010, until June 30, 2011, no monetary performance-based awards or incentives may be granted by the director or employers to employees covered by rules adopted under this section. This subsection does not prohibit the payment of awards provided for in chapter 41.60 RCW.

**NEW SECTION. Sec. 1011.** Sections 701 through 721 of this act constitute a new chapter in Title 43 RCW to be codified as chapter 43.41A RCW.

**NEW SECTION. Sec. 1012.** RCW 43.105.052, 43.105.172, 43.105.250, 43.105.260, 43.105.270, 43.105.280, 43.105.290, 43.105.310, and 43.105.835 are each recodified as sections in chapter 43.— RCW (the new chapter created in section 1011 of this act).

**NEW SECTION. Sec. 1013.** The following acts or parts of acts are each repealed:

- (1) RCW 43.105.005 (Purpose) and 1990 c 208 s 1 & 1987 c 504 s 1;
- (2) RCW 43.105.013 (Finding—Intent) and 2010 c 282 s 1;
- (3) RCW 43.105.019 (Enterprise-based strategy—Coordination with legislative and judicial branches) and 2010 c 282 s 10;
- (4) RCW 43.105.032 (Information services board—Members—Chairperson—Vacancies—Quorum—Compensation and travel expenses) and 2007 c 158 s 1, 1999 c 241 s 2, 1996 c 137 s 10, 1992 c 20 s 8, 1987 c 504 s 4, 1984 c 287 s 86, 1975-'76 2nd ex.s. c 34 s 128, & 1973 1st ex.s. c 219 s 5;
- (5) RCW 43.105.041 (Powers and duties of board) and 2010 1st sp.s. c 7 s 65, 2009 c 486 s 13, 2003 c 18 s 3, & 1999 c 285 s 5;
- (6) RCW 43.105.095 (Management and oversight structure) and 1999 c 80 s 3;
- (7) RCW 43.105.105 (Information technology decisions and plans) and 1999 c 80 s 4;
- (8) RCW 43.105.160 (Strategic information technology plan—Biennial state performance report on information technology) and 2010 c 282 s 9, 2005 c 319 s 110, 1999 c 80 s 9, 1998 c 177 s 3, 1996 c 171 s 9, & 1992 c 20 s 1;
- (9) RCW 43.105.170 (Information technology portfolios—Contents—Performance reports) and 1999 c 80 s 10;
- (10) RCW 43.105.180 (Evaluation of budget requests for information technology projects) and 2010 c 282 s 6 & 1999 c 80 s 11;
- (11) RCW 43.105.190 (Major information technology projects standards and policies—Project evaluation and reporting) and 2005 c 319 s 111, 1999 c 80 s 12, 1998 c 177 s 4, 1996 c 137 s 15, & 1992 c 20 s 4;
- (12) RCW 43.105.200 (Application to institutions of higher education) and 1992 c 20 s 5;
- (13) RCW 43.105.210 (Data processing expenditures—Authorization—Penalties) and 1993 sp.s. c 1 s 903;
- (14) RCW 43.105.330 (State interoperability executive committee) and 2006 c 76 s 2 & 2003 c 18 s 4;
- (15) RCW 43.105.805 (Information services board—Powers and duties) and 2010 1st sp.s. c 9 s 1, 2010 1st sp.s. c 7 s 66, & 1999 c 285 s 3;

(16) RCW 43.105.815 (K-20 operations cooperative—Ongoing management) and 1999 c 285 s 8; and

(17) RCW 43.105.820 (K-20 telecommunication system—Technical plan) and 2010 1st sp.s. c 7 s 67, 1999 c 285 s 11, & 1996 c 137 s 8.

NEW SECTION. Sec. 1014. Sections 728 through 731 of this act expire January 1, 2012.

NEW SECTION. Sec. 1015. Section 732 of this act takes effect January 1, 2012.

NEW SECTION. Sec. 1016. The code reviser shall note wherever the director or department of any agency or agency's duties transferred or consolidated under this act is used or referred to in statute that the name of the director or department has changed. The code reviser shall prepare legislation for the 2012 regular session that (1) changes all statutory references to the director or department of any agency transferred or consolidated under this act, and (2) changes statutory references to sections recodified by this act but not amended in this act.

NEW SECTION. Sec. 1017. Except for sections 109, 448, 462, and 732 of this act, this act takes effect October 1, 2011.

Passed by the Senate May 25, 2011.

Passed by the House May 25, 2011.

Approved by the Governor June 15, 2011, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State June 15, 2011.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Sections 815 and 816 and Sections 901 through 909, Engrossed Substitute Senate Bill 5931 entitled:

"AN ACT Relating to reorganizing and streamlining central service functions, powers, and duties of state government."

Sections 815 and 816 require the State Auditor to conduct a performance audit of the consolidated state data center during the same period that the Department of Information Services and Office of Financial Management will be fully engaged in the transformative activities associated with implementation of this bill and the consolidated data center business plan. Such activities will include designing and installing the consolidated state data center infrastructure; moving staff to the new office building; structuring the new Department of Enterprise Services, Consolidated Technology Services, and Office of the Chief Information Officer; and conducting a statewide information technology total cost of ownership study. A performance audit during this timeframe will redirect key leadership and staff capacity and attention from implementing these complex and resource intensive initiatives to reviewing the rationale for the current strategies underway.

Sections 901 through 909 transfer the Education Research Data Center (ERDC) from the Office of Financial Management's Forecasting Division to the Legislative Evaluation and Accountability Program Committee (LEAP). The ERDC and LEAP are collaboratively involved in building a robust and informative research capability that informs decision-making for both the executive and legislative branch. This transfer would not accomplish the goals that are shared among the legislative and executive branches and may actually slow the federally funded initiatives underway. The ERDC will continue to serve our shared commitment to transparency, education data quality, and useful information for decision makers while remaining at the Office of Financial Management.

For these reasons, I have vetoed Sections 815 and 816 and Sections 901 through 909 of Engrossed Substitute Senate Bill 5931.

With the exception of Sections 815 and 816 and Sections 901 through 909, Engrossed Substitute Senate Bill 5931 is approved."

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**CHAPTER 44**

[Senate Bill 5941]

**JUDICIAL BRANCH FUNDING**

AN ACT Relating to judicial branch funding; amending RCW 3.62.020, 12.40.020, 36.18.018, and 43.79.505; reenacting and amending RCW 3.62.060 and 36.18.020; providing an effective date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

**Sec. 1.** RCW 3.62.020 and 2009 c 479 s 5 are each amended to read as follows:

(1) Except as provided in subsection (4) of this section, all costs, fees, fines, forfeitures and penalties assessed and collected in whole or in part by district courts, except costs, fines, forfeitures and penalties assessed and collected, in whole or in part, because of the violation of city ordinances, shall be remitted by the clerk of the district court to the county treasurer at least monthly, together with a financial statement as required by the state auditor, noting the information necessary for crediting of such funds as required by law.

(2) Except as provided in RCW 10.99.080 and this section, the county treasurer shall remit thirty-two percent of the noninterest money received under subsection (1) of this section except certain costs to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state or county in the prosecution of the case, including the fees of defense counsel. With the exception of funds to be transferred to the judicial stabilization trust account under RCW 3.62.060(2), money remitted under this subsection to the state treasurer shall be deposited in the state general fund.

(3) The balance of the noninterest money received by the county treasurer under subsection (1) of this section shall be deposited in the county current expense fund. Funds deposited under this subsection that are attributable to the county's portion of a surcharge imposed under RCW 3.62.060(2) must be used to support local trial court and court-related functions.

(4) All money collected for county parking infractions shall be remitted by the clerk of the district court at least monthly, with the information required under subsection (1) of this section, to the county treasurer for deposit in the county current expense fund.

(5) Penalties, fines, bail forfeitures, fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to a collection agency. Interest may accrue only while the case is in collection status.

(6) Interest retained by the court on penalties, fines, bail forfeitures, fees, and costs shall be split twenty-five percent to the state treasurer for deposit in the state general fund, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five

percent to the county current expense fund, and twenty-five percent to the county current expense fund to fund local courts.

**Sec. 2.** RCW 12.40.020 and 2009 c 572 s 2 are each amended to read as follows:

(1) A small claims action shall be commenced by the plaintiff filing a claim, in the form prescribed by RCW 12.40.050, in the small claims department. A filing fee of fourteen dollars plus any surcharge authorized by RCW 7.75.035 shall be paid when the claim is filed. Any party filing a counterclaim, cross-claim, or third-party claim in such action shall pay to the court a filing fee of fourteen dollars plus any surcharge authorized by RCW 7.75.035.

(2) Until July 1, ~~((2014))~~ 2013, in addition to the fees required by this section, an additional surcharge of ten dollars shall be charged on the filing fees required by this section, of which ~~((shall))~~ seventy-five percent must be remitted to the state treasurer for deposit in the judicial stabilization trust account and twenty-five percent must be retained by the county.

**Sec. 3.** RCW 36.18.018 and 2009 c 572 s 3 are each amended to read as follows:

(1) State revenue collected by county clerks under subsection (2) of this section must be transmitted to the appropriate state court. The administrative office of the courts shall retain fees collected under subsection (3) of this section.

(2) For appellate review under RAP 5.1(b), two hundred fifty dollars must be charged.

(3) For all copies and reports produced by the administrative office of the courts as permitted under RCW 2.68.020 and supreme court policy, a variable fee must be charged.

(4) Until July 1, ~~((2014))~~ 2013, in addition to the fee established under subsection (2) of this section, a surcharge of thirty dollars is established for appellate review. The county clerk shall transmit seventy-five percent of this surcharge to the state treasurer for deposit in the judicial stabilization trust account and twenty-five percent must be retained by the county.

**Sec. 4.** RCW 3.62.060 and 2009 c 572 s 1 and 2009 c 372 s 1 are each reenacted and amended to read as follows:

(1) Clerks of the district courts shall collect the following fees for their official services:

~~((1))~~ (a) In any civil action commenced before or transferred to a district court, the plaintiff shall, at the time of such commencement or transfer, pay to such court a filing fee of forty-three dollars plus any surcharge authorized by RCW 7.75.035. Any party filing a counterclaim, cross-claim, or third-party claim in such action shall pay to the court a filing fee of forty-three dollars plus any surcharge authorized by RCW 7.75.035. No party shall be compelled to pay to the court any other fees or charges up to and including the rendition of judgment in the action other than those listed.

~~((2))~~ (b) For issuing a writ of garnishment or other writ, or for filing an attorney issued writ of garnishment, a fee of twelve dollars.

~~((3))~~ (c) For filing a supplemental proceeding a fee of twenty dollars.

~~((4))~~ (d) For demanding a jury in a civil case a fee of one hundred twenty-five dollars to be paid by the person demanding a jury.

~~((5))~~ (e) For preparing a transcript of a judgment a fee of twenty dollars.

~~((6))~~ (f) For certifying any document on file or of record in the clerk's office a fee of five dollars.

~~((7))~~ (g) At the option of the district court:

~~((a))~~ (i) For preparing a certified copy of an instrument on file or of record in the clerk's office, for the first page or portion of the first page, a fee of five dollars, and for each additional page or portion of a page, a fee of one dollar;

~~((b))~~ (ii) For authenticating or exemplifying an instrument, a fee of two dollars for each additional seal affixed;

~~((c))~~ (iii) For preparing a copy of an instrument on file or of record in the clerk's office without a seal, a fee of fifty cents per page;

~~((d))~~ (iv) When copying a document without a seal or file that is in an electronic format, a fee of twenty-five cents per page;

~~((e))~~ (v) For copies made on a compact disc, an additional fee of twenty dollars for each compact disc.

~~((8))~~ (h) For preparing the record of a case for appeal to superior court a fee of forty dollars including any costs of tape duplication as governed by the rules of appeal for courts of limited jurisdiction (RALJ).

~~((9))~~ (i) At the option of the district court, for clerk's services such as processing ex parte orders, performing historical searches, compiling statistical reports, and conducting exceptional record searches, a fee not to exceed twenty dollars per hour or portion of an hour.

~~((10))~~ (j) For duplication of part or all of the electronic recording of a proceeding ten dollars per tape or other electronic storage medium.

~~((11))~~ (k) For filing any abstract of judgment or transcript of judgment from a municipal court or municipal department of a district court organized under the laws of this state a fee of forty-three dollars.

~~((12))~~ (l) At the option of the district court, a service fee of up to three dollars for the first page and one dollar for each additional page for receiving faxed documents, pursuant to Washington state rules of court, general rule 17.

~~((13))~~ (2)(a) Until July 1, ~~((2011))~~ 2013, in addition to the fees required ~~((by subsection (1) of this section, clerks of the district courts shall collect a surcharge of twenty dollars on all fees required by subsection (1) of this section, which shall be remitted to the state treasurer for deposit in the judicial stabilization trust account. This surcharge is not subject to the division and remittance requirements of RCW 3.62.020))~~ to be collected under this section, clerks of the district courts must collect a surcharge of twenty dollars on all fees required to be collected under subsection (1)(a) of this section.

(b) Seventy-five percent of each surcharge collected under this subsection (2) must be remitted to the state treasurer for deposit in the judicial stabilization trust account.

(c) Twenty-five percent of each surcharge collected under this subsection (2) must be retained by the county.

(3) The fees or charges imposed under this section shall be allowed as court costs whenever a judgment for costs is awarded.

**Sec. 5.** RCW 36.18.020 and 2009 c 572 s 4, 2009 c 479 s 21, and 2009 c 417 s 3 are each reenacted and amended to read as follows:

(1) Revenue collected under this section is subject to division with the state under RCW 36.18.025 and with the county or regional law library fund under RCW 27.24.070, except as provided in subsection (5) of this section.

(2) Clerks of superior courts shall collect the following fees for their official services:

(a) In addition to any other fee required by law, the party filing the first or initial document in any civil action, including, but not limited to an action for restitution, adoption, or change of name, and any party filing a counterclaim, cross-claim, or third-party claim in any such civil action, shall pay, at the time the document is filed, a fee of two hundred dollars except, in an unlawful detainer action under chapter 59.18 or 59.20 RCW for which the plaintiff shall pay a case initiating filing fee of forty-five dollars, or in proceedings filed under RCW 28A.225.030 alleging a violation of the compulsory attendance laws where the petitioner shall not pay a filing fee. The forty-five dollar filing fee under this subsection for an unlawful detainer action shall not include an order to show cause or any other order or judgment except a default order or default judgment in an unlawful detainer action.

(b) Any party, except a defendant in a criminal case, filing the first or initial document on an appeal from a court of limited jurisdiction or any party on any civil appeal, shall pay, when the document is filed, a fee of two hundred dollars.

(c) For filing of a petition for judicial review as required under RCW 34.05.514 a filing fee of two hundred dollars.

(d) For filing of a petition for unlawful harassment under RCW 10.14.040 a filing fee of fifty-three dollars.

(e) For filing the notice of debt due for the compensation of a crime victim under RCW 7.68.120(2)(a) a fee of two hundred dollars.

(f) In probate proceedings, the party instituting such proceedings, shall pay at the time of filing the first document therein, a fee of two hundred dollars.

(g) For filing any petition to contest a will admitted to probate or a petition to admit a will which has been rejected, or a petition objecting to a written agreement or memorandum as provided in RCW 11.96A.220, there shall be paid a fee of two hundred dollars.

(h) Upon conviction or plea of guilty, upon failure to prosecute an appeal from a court of limited jurisdiction as provided by law, or upon affirmance of a conviction by a court of limited jurisdiction, a defendant in a criminal case shall be liable for a fee of two hundred dollars.

(i) With the exception of demands for jury hereafter made and garnishments hereafter issued, civil actions and probate proceedings filed prior to midnight, July 1, 1972, shall be completed and governed by the fee schedule in effect as of January 1, 1972(~~(-PROVIDED, That)~~). However, no fee shall be assessed if an order of dismissal on the clerk's record be filed as provided by rule of the supreme court.

(3) No fee shall be collected when a petition for relinquishment of parental rights is filed pursuant to RCW 26.33.080 or for forms and instructional brochures provided under RCW 26.50.030.

(4) No fee shall be collected when an abstract of judgment is filed by the county clerk of another county for the purposes of collection of legal financial obligations.

(5)(a) Until July 1, ~~((2014))~~ 2013, in addition to the fees required ~~((by this section, clerks of superior courts shall collect the surcharges required by this subsection, which shall be remitted to the state treasurer for deposit in the judicial stabilization trust account:~~

~~(a) On filing fees under subsection (2)(b) of this section, a surcharge of twenty dollars; and~~

~~(b) On all other filing fees required by this section except for filing fees in subsection (2)(d) and (h) of this section, a surcharge of thirty dollars)) to be collected under this section, clerks of the superior courts must collect surcharges as provided in this subsection (5) of which seventy-five percent must be remitted to the state treasurer for deposit in the judicial stabilization trust account and twenty-five percent must be retained by the county.~~

(b) On filing fees required to be collected under subsection (2)(b) of this section, a surcharge of twenty dollars must be collected.

(c) On all filing fees required to be collected under this section, except for fees required under subsection (2)(b), (d), and (h) of this section, a surcharge of thirty dollars must be collected.

**Sec. 6.** RCW 43.79.505 and 2009 c 572 s 5 are each amended to read as follows:

The judicial stabilization trust account is created within the state treasury, subject to appropriation. All receipts from the surcharges authorized by ~~((sections 1 through 4, chapter 572, Laws of 2009))~~ RCW 3.62.060(2), 12.40.020(2), 36.18.018(4), and 36.18.020(5) shall be deposited in this account. Moneys in the account may be spent only after appropriation.

Expenditures from the account may be used only for the support of judicial branch agencies.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2011.

Passed by the Senate May 22, 2011.

Passed by the House May 21, 2011.

Approved by the Governor June 15, 2011.

Filed in Office of Secretary of State June 15, 2011.

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## CHAPTER 45

[Engrossed Substitute Senate Bill 5942]

### LIQUOR—WAREHOUSING AND DISTRIBUTION

AN ACT Relating to the warehousing and distribution of liquor, including the lease and modernization of the state's liquor warehousing and distribution facilities; amending RCW 66.08.050 and 66.08.070; adding a new chapter to Title 66 RCW; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. FINDINGS. The legislature finds that it is in the public interest to seek revenue opportunities through leasing and modernizing the state's liquor warehousing and distribution facilities and related operations. The legislature finds that it is also in the public interest to conduct a competitive process to select a private sector lessee for this purpose. Nothing in this act is intended to affect the private distribution or sale of beer or wine, the operation by the state of state liquor stores, or the authority of the Washington state liquor control board to oversee, manage, and enforce state liquor sales.

NEW SECTION. Sec. 2. COMPETITIVE PROCUREMENT. (1) Within one hundred twenty days after the effective date of this section, the office of



financial management, in consultation with the Washington state liquor control board and the liquor distribution advisory committee, must establish and conduct a competitive process for the selection of a private sector entity to lease and modernize the state's liquor warehousing and distribution facilities and related operations. The competitive process must assume that the Washington state liquor control board retains its existing exclusive retail spirits sales business, be designed to encourage the participation of private sector entities with previous wholesale distribution experience with a public partner excluding licensees engaged in the manufacture of liquor or the retail sale of liquor in the state, and be designed to encourage competition among such entities.

(2)(a) To implement the competitive process required under subsection (1) of this section, the office of financial management must, after consultation with the Washington state liquor control board and the liquor distribution advisory committee, request proposals for:

(i) The lease of or other contract for the entire state liquor warehousing and distribution business, including the facilities, operations, and other assets associated with the warehousing of liquor and the distribution of liquor; and

(ii) The exclusive right to warehouse spirits and to distribute spirits in the state.

(b) The request for proposals must include without limitation:

(i) A requirement that proposals demonstrate to the satisfaction of the office of financial management relevant previous experience as well as the financial capacity to perform obligations under the contract;

(ii) A requirement that proposals demonstrate, to the satisfaction of the office of financial management, a net positive financial benefit to the state and local government over the term of the proposed lease or contract taking into account: An initial up-front payment to the state during the 2011-2013 biennium; proposed profit sharing payments to the state; projected business and occupation and liquor tax revenues; and changes to retail profits generated as a result of the lease or contract. The office of financial management, in consultation with the liquor distribution advisory committee and interested stakeholders, must develop a definition and criteria on how to determine "positive financial benefit to the state and local government";

(iii) A requirement that the prevailing proponent deposit into an escrow account, within fifteen business days after the announcement of selection of that proposal and definitive resolution of any appeals to such selection, the full amount of the initial up-front payment offered in the proponent's response to the request for proposals, pending and subject to successful negotiation of a mutually acceptable lease or other contract;

(iv) A requirement that proposals include a quantified commitment to invest in capital improvements to warehousing and distribution facilities and a mechanism to ensure that such investments are timely made, consistent with requirements in a mutually acceptable lease or contract;

(v) A requirement that proposals include a commitment to assume responsibility for the costs associated with the operation of liquor warehousing and distribution;

(vi) A requirement that proposals demonstrate to the satisfaction of the office of financial management a commitment to improved distribution including without limitation logistics and delivery improvements to improve

margins, ensure regularity of deliveries to state or contract liquor stores to reduce out-of-stock problems, improve service to stores located in geographically remote areas of the state, expand liquor selection, provide for bottle rather than minimum case purchasing and stocking of state or contract liquor stores, if practicable, and enable electronic funds transfer of payments;

(vii) A requirement that proposals include a commitment to offer employment to the state employees currently in positions relating to the wholesale distribution of liquor and to recognize and bargain with any existing bargaining representative of such employees with respect to terms and conditions of employment;

(viii) A requirement that the variety of brands and types of liquor available to licensees, contract liquor stores, and state liquor stores must be equal to or greater than what is being distributed by the Washington state liquor control board; and

(ix) Measurable standards for the performance of the contract.

(c) Prior to conducting the competitive process outlined in this section, the request for proposals developed by the office of financial management must be reviewed by the house and senate fiscal committees. Opportunity for public comment regarding the request for proposal must be provided. The review must be completed within fourteen days of the office of financial management providing the request for proposals to the house and senate fiscal committees.

(d) The office of financial management must publicly disclose an analysis of the fiscal impacts to state and local government of each of the offers in the procurement process.

(e) After consultation with the Washington state liquor control board, local government, and the liquor distribution advisory committee, the office of financial management is authorized to recommend to the Washington state liquor control board the proposal that in the determination of the office of financial management best meets the criteria required under this subsection (2), in the best interests of the state. If, in the determination of the office of financial management, there is no proposal that meets the best interest of the state, the office of financial management must notify the Washington state liquor control board to not accept any of the proposals.

(3) Any challenge to or protest of the recommendation of the office of financial management and the acceptance by the liquor control board of the recommended proposal must be filed by a respondent that submitted a proposal with the office of financial management within five days after such recommendation and acceptance. The grounds for such challenge or protest are limited to claims that the recommendation and acceptance were arbitrary and capricious. The office of financial management must, within five days, render its decision on the protest. The respondent that filed the protest may, within five days after such decision, appeal to the superior court of Thurston county by petition setting forth objections to the decision. A copy of the petition on appeal together with a notice that an appeal has been taken must be served upon the secretary of state, the attorney general, the office of financial management, the liquor control board, and the respondent that submitted the recommended and accepted proposal. The court must accord first priority to examining the objections, may hear arguments, and must, within ten days, render its decision. The decision of the superior court is final.

**NEW SECTION. Sec. 3. CONTRACT.** (1) Within sixty days after the recommendation of a proposal under section 2 of this act, the Washington state liquor control board may accept that proposal and enter into a long-term contract with that entity for the lease of the business, facilities, and assets associated with the warehousing and distribution of liquor in the state. The contract must grant the exclusive right to distribute spirits in the state for the period of the contract. The contract must include enforceable performance standards and minimum financial returns to the state. The contract must provide a provision that allows the state to terminate the contract should specific performance standards or financial returns to the state not be realized. The contract must provide for a reasonable termination notification process as well as financial terms of termination should termination of contract take place.

(2) If the state receives an up-front payment of one hundred million dollars or more as a result of accepting a proposal from the procurement process in section 2 of this act, the contract must provide that the private entity place the up-front payment into irrevocable trust with the state being the beneficiary. The contract must provide that the trust be created in a manner that the state may not receive more than one-sixth of the up-front payment placed into the trust in any fiscal year.

(3) The contract must contain provisions that the Washington state liquor control board maintains the exclusive authority to select products and determine which products will be carried in state and contract liquor stores.

(4) The contract must contain provisions that the Washington state liquor control board must set the prices of liquor for sales in state and contract liquor stores as well as sales to licensees.

(5) The contract must contain a provision that any financial deficiencies or losses of the private entity contracting for the warehousing and distribution of liquor in the state must not be compensated for in any way by the state, contract stores, consumers, or licensees.

**NEW SECTION. Sec. 4.** (1) The director of the office of financial management must appoint a liquor distribution advisory committee. The purpose of the committee is to assist and make recommendations to the office of financial management and the Washington state liquor control board regarding the provisions of this act including, but not limited to, setting requirements for the competitive procurement process, selection of a private entity or recommendation that no entity be selected, and creating the terms of a contract with a selected private entity. The advisory committee's recommendations and assistance to the office of financial management and Washington state liquor control board in regards to the provisions of this act are advisory in nature and do not prohibit the office of financial management and Washington state liquor control board from performing their duties under this act as they deem fit.

(2) The liquor distribution advisory committee is composed of the Washington state treasurer or his or her designee, a designee from each of the two largest caucuses of the senate determined by the leaders of each caucus, and a designee from each of the two largest caucuses of the house of representatives determined by the leaders of each caucus.

**NEW SECTION. Sec. 5.** Contracting for services under this chapter is not subject to the processes of RCW 41.06.142 (1), (4), and (5).

NEW SECTION. **Sec. 6.** DEFINITIONS. For the purposes of this chapter, unless the context clearly requires otherwise:

- (1) "Liquor" has the same meaning as provided in RCW 66.04.010.
- (2) "Spirits" has the same meaning as provided in RCW 66.04.010.
- (3) "State liquor stores" includes "stores" and "contract liquor stores" as those terms are defined in RCW 66.04.010.

**Sec. 7.** RCW 66.08.050 and 2005 c 151 s 3 are each amended to read as follows:

The board, subject to the provisions of this title and the rules, shall:

(1) Determine the localities within which state liquor stores shall be established throughout the state, and the number and situation of the stores within each locality;

(2) Appoint in cities and towns and other communities, in which no state liquor store is located, contract liquor stores. In addition, the board may appoint, in its discretion, a manufacturer that also manufactures liquor products other than wine under a license under this title, as a contract liquor store for the purpose of sale of liquor products of its own manufacture on the licensed premises only. Such contract liquor stores shall be authorized to sell liquor under the guidelines provided by law, rule, or contract, and such contract liquor stores shall be subject to such additional rules and regulations consistent with this title as the board may require;

(3) If a contract under section 3 of this act is not then in effect, establish all necessary warehouses for the storing and bottling, diluting and rectifying of stocks of liquors for the purposes of this title;

(4) Provide for the leasing for periods not to exceed ten years of all premises required for the conduct of the business (other than premises subject to a lease or other contract under section 3 of this act); and for remodeling the same, and the procuring of their furnishings, fixtures, and supplies; and for obtaining options of renewal of such leases by the lessee. The terms of such leases in all other respects ((shall be)) is subject to the direction of the board;

(5) Determine the nature, form and capacity of all packages to be used for containing liquor kept for sale under this title;

(6) Execute or cause to be executed, all contracts, papers, and documents in the name of the board, under such regulations as the board may fix;

(7) Pay all customs, duties, excises, charges and obligations whatsoever relating to the business of the board (other than obligations assumed by the lessee through a contract under section 3 of this act);

(8) Require bonds from all employees in the discretion of the board, and to determine the amount of fidelity bond of each such employee;

(9) Perform services for the state lottery commission to such extent, and for such compensation, as may be mutually agreed upon between the board and the commission;

(10) Accept and deposit into the general fund-local account and disburse, subject to appropriation, federal grants or other funds or donations from any source for the purpose of improving public awareness of the health risks associated with alcohol consumption by youth and the abuse of alcohol by adults in Washington state. The board's alcohol awareness program shall cooperate with federal and state agencies, interested organizations, and individuals to effect an active public beverage alcohol awareness program;

(11) Perform all other matters and things, whether similar to the foregoing or not, to carry out the provisions of this title, and shall have full power to do each and every act necessary to the conduct of its business, including all buying, selling, preparation and approval of forms, and every other function of the business whatsoever, subject only to audit by the state auditor(~~(= PROVIDED, That)~~). However, the board (~~(shall have)~~) has no authority to regulate the content of spoken language on licensed premises where wine and other liquors are served and where there is not a clear and present danger of disorderly conduct being provoked by such language.

**Sec. 8.** RCW 66.08.070 and 1985 c 226 s 2 are each amended to read as follows:

(1) Every order for the purchase of liquor (~~(shall)~~) must be authorized by the board, and no order for liquor (~~(shall be)~~) is valid or binding unless it is so authorized and signed by the board or its authorized designee.

(2) A duplicate of every such order (~~(shall)~~) must be kept on file in the office of the board.

(3) All cancellations of such orders made by the board (~~(shall)~~) must be signed in the same manner and duplicates thereof kept on file in the office of the board. Nothing in this title (~~(shall)~~) may be construed as preventing the board from accepting liquor on consignment.

(4) In the purchase of wine or malt beverages the board (~~(shall)~~) may not require, as a term or condition of purchase, any warranty or affirmation with respect to the relationship of the price charged the board to any price charged any other buyer.

(5) This section does not apply to a contract entered into under section 3 of this act.

**NEW SECTION. Sec. 9.** Sections 1 through 6 of this act constitute a new chapter in Title 66 RCW.

**NEW SECTION. Sec. 10.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Passed by the Senate May 25, 2011.

Passed by the House May 24, 2011.

Approved by the Governor June 15, 2011.

Filed in Office of Secretary of State June 15, 2011.

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## CHAPTER 46

[Substitute Senate Bill 5181]

### STATE DEBT LIMIT

AN ACT Relating to limitations on state debt; adding a new section to chapter 39.42 RCW; creating new sections; and making an appropriation.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION. Sec. 1.** The legislature intends to examine the various kinds of debt incurred by Washington state and the limitations that control the amount and use of debt. To assist in this examination, the legislature seeks the assistance and recommendations of a commission on state debt.

**NEW SECTION. Sec. 2.** (1) The commission on state debt is created. The commission shall include the following members: The state treasurer, who shall chair the commission; the director of the office of financial management; one member each from the two largest caucuses of the senate, appointed by the president of the senate; one member each from the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives; six independent members, three appointed by the state treasurer in consultation with the state finance committee and three appointed by the governor in consultation with the state finance committee. These six independent members must not have a financial interest in debt-financed state expenditures and shall include appointees with experience in public or private finance, local government, or related academic or legal backgrounds. The members of the commission shall serve without additional compensation, but shall be reimbursed in accordance with RCW 44.04.120 for attending meetings of the commission. Staffing for the commission shall be provided by the state treasurer's office, the office of financial management, and legislative capital budget staff.

(2) The commission shall examine the following:

(a) Trends in the use of all kinds of state obligations including general obligation bonds; revenue bonds and other debt that supports the transportation budget; financing contracts; lease purchase agreements; and other forms of obligations including long-term liabilities such as pension liabilities and long-term leases. The examination of trends must also examine the impact of debt service payments on operating budget expenditures.

(b) Major uses of state debt, the debt service expenditures associated with those major uses, and a comparison of the debt service expenditures and other operating budget expenditures that addresses similar policy objectives as the major uses of debt.

(c) Existing limitations and policies on the use of various kinds of debt and how those policies and limitations compare with other states with similar or higher credit ratings. The comparisons will include an examination of relative debt burden and the relationship between state debt and debt incurred by local governments in the comparison states.

(3) The commission must recommend improvements in state debt policies and limitations, including possible amendments to state constitutional debt limitations that will accomplish the following:

(a) Stabilizes the capacity to incur new debt in support of sustainable and predictable capital budgets;

(b) Reduces the growth in debt service payments to an appropriate level that no longer exceeds the long-term growth in the general fund expenditures;

(c) Maintain and enhance the state's credit rating.

(4) The commission must consult affected stakeholders.

(5) The commission must report its findings and recommendations to the state finance committee and the appropriate committees of the legislature by December 1, 2011.

**NEW SECTION. Sec. 3.** A new section is added to chapter 39.42 RCW to read as follows:

The state finance committee must recommend a working debt limit for purposes of budget development for various purpose capital bond

appropriations. Nothing in this section shall in any manner affect the validity of indebtedness incurred in compliance with the provisions of Article VIII, section 1 of the state Constitution. The working debt limit must be updated periodically following forecasts of the economic and revenue forecast council. The governor and legislature must develop capital bond budgets within the most recent recommended working debt limit. The working debt limit must be lower than the state constitutional debt limit in order to reserve capacity under the constitutional limit for emergencies and economic uncertainties. In order to begin to accomplish the objectives of stabilizing debt capacity and reducing the debt service burden on the operating budget, the state finance committee must recommend working debt limits of eight and one-half percent from July 1, 2015, to and including June 30, 2017; eight and one-quarter percent from July 1, 2017, to and including June 30, 2019; eight percent from July 1, 2019, to and including June 30, 2021; seven and three-quarters percent from July 1, 2021, and thereafter. The state finance committee may recommend modified working debt limits in response to extraordinary economic conditions. The state finance committee is authorized to reduce or delay the issuance of bonds if an issuance would result in exceeding the recommended working debt limit.

**NEW SECTION. Sec. 4.** The sum not to exceed one hundred fifty thousand dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2012, from the state treasurer's service fund to the office of the state treasurer for the purpose of this act.

Passed by the Senate May 24, 2011.

Passed by the House May 25, 2011.

Approved by the Governor June 15, 2011.

Filed in Office of Secretary of State June 15, 2011.

## CHAPTER 47

[Engrossed Substitute House Bill 1981]

### PUBLIC AND HIGHER EDUCATION EMPLOYEES— RETIREMENT AND ANNUITY PROGRAMS

AN ACT Relating to public employee postretirement employment and higher education employees' annuities and retirement income plans; amending RCW 28B.10.400, 28B.10.405, 28B.10.410, 28B.10.415, 28B.10.417, 28B.10.423, 28B.10.430, 41.32.570, 41.32.800, 41.32.802, 41.32.860, 41.32.862, 41.35.060, 41.35.230, 41.37.050, 41.40.037, 41.50.030, 41.50.080, and 41.50.110; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.40 RCW; creating a new section; providing effective dates; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION. Sec. 1.** The legislature intends that the retirement and annuity programs of the state's institutions of higher education be revised for future participants to reflect changes that have already occurred in state pension plans. The legislature intends also that newly hired employees who are eligible for participation in an annuity or retirement income plan offered by a higher education institution have an opportunity to participate in either (1) that plan without a supplemental benefit under RCW 28B.10.400(1)(c), or (2) the public employees' retirement system plan 3 or the teachers' retirement system plan 3. Plan 3 provides a combination of defined contribution and defined benefit pension, which will be available for newly hired employees. Further, the

legislature intends that effective July 1, 2011, state funding for annuity or retirement income plans under RCW 28B.10.400 will not exceed six percent of salary. The legislature also intends to reduce the expanded postretirement employment provisions for members of the public employees' retirement system plan 1 and the teachers' retirement system plan 1 that were temporarily expanded due to the shortage of qualified workers in particular teaching and public employment categories, and eliminate postretirement employment exceptions that existed for annuity or retirement income plan-covered positions that have been the subject of abuse.

**Sec. 2.** RCW 28B.10.400 and 2010 c 21 s 1 are each amended to read as follows:

(1) The boards of regents of the state universities, the boards of trustees of the regional universities and of The Evergreen State College, ~~((and))~~ the state board for community and technical colleges, and the higher education coordinating board are authorized and empowered:

~~((4))~~ (a) To assist the faculties and such other employees exempt from civil service pursuant to RCW 41.06.070 (1)(cc) and (2) as any such board may designate in the purchase of old age annuities or retirement income plans under such rules as any such board may prescribe, subject to the restrictions in subsection (2) of this section. County agricultural agents, home demonstration agents, 4-H club agents, and assistant county agricultural agents paid jointly by the Washington State University and the several counties shall be deemed to be full-time employees of the Washington State University for the purposes ~~((hereof))~~ of this section;

~~((2))~~ (b) To provide, under such rules ~~((and regulations))~~ as any such board may prescribe for the faculty members or other employees exempt from civil service pursuant to RCW 41.06.070 (1)(cc) and (2) under its supervision, for the retirement of any such faculty member or other exempt employee on account of age or condition of health, retirement on account of age to be not earlier than the sixty-fifth birthday: PROVIDED, That such faculty member or such other exempt employee may elect to retire at the earliest age specified for retirement by federal social security law: PROVIDED FURTHER, That any supplemental payment authorized by (c) of this subsection ~~((3) of this section))~~ and paid as a result of retirement earlier than age sixty-five shall be at an actuarially reduced rate; and shall be provided only to those persons who participate in an annuity or retirement income plan under (a) of this subsection prior to July 1, 2011;

~~((3))~~ (c) To pay ~~((to any such retired person))~~ only to those persons who participate in an annuity or retirement income plan under (a) of this subsection prior to July 1, 2011, or to his or her designated beneficiary(s), each year after his or her retirement, a supplemental amount which, when added to the amount of such annuity or retirement income plan, or retirement income benefit pursuant to RCW 28B.10.415, received by the retired person or the retired person's designated beneficiary(s) in such year, will not exceed fifty percent of the average annual salary paid to such retired person for his or her highest two consecutive years of full-time service under an annuity or retirement income plan established pursuant to (a) of this subsection ~~((1) of this section))~~ at an institution of higher education: PROVIDED, HOWEVER, That if such retired person prior to retirement elected a supplemental payment survivors option, any such supplemental payments to such retired person or the retired person's



designated beneficiary(s) shall be at actuarially reduced rates: PROVIDED FURTHER, That if a faculty member or other employee of an institution of higher education who is a participant in a retirement plan authorized by this section dies, or has died before retirement but after becoming eligible for retirement on account of age, the designated beneficiary(s) shall be entitled to receive the supplemental payment authorized by this subsection to which such designated beneficiary(s) would have been entitled had said deceased faculty member or other employee retired on the date of death after electing a supplemental payment survivors option: PROVIDED FURTHER, That for the purpose of this subsection, the designated beneficiary(s) shall be ~~((a))~~ (i) the surviving spouse of the retiree; or, ~~((b))~~ (ii) with the written consent of such spouse, if any, such other person or persons as shall have an insurable interest in the retiree's life and shall have been nominated by written designation duly executed and filed with the retiree's institution of higher education~~(c)~~.

~~((4))~~ (2) Boards are prohibited from offering a purchased annuity or retirement income plan authorized under this section to employees hired on or after July 1, 2011, who have retired or are eligible to retire from a public employees' retirement system described in RCW 41.50.030. The higher education coordinating board ~~((is also authorized and empowered as described in this section, subject to the following: The board))~~ shall only offer participation in a purchased annuity or retirement income plan authorized under this section to employees who have previously contributed premiums to a similar qualified plan~~((, and the board is prohibited from offering or funding such a plan authorized under this section for the benefit of any retiree who is receiving or accruing a retirement allowance from a public employees' retirement system under Title 41 RCW or chapter 43.43 RCW)).~~

(3) During the 2011 legislative interim, the select committee on pension policy shall evaluate the suitability and necessity of the annuity and retirement plans authorized under this chapter for employees in various positions within higher education institutions. The select committee shall report its findings, including any recommendations for restrictions on future plan membership, to the ways and means committees of the house of representatives and the senate no later than December 31, 2011.

**Sec. 3.** RCW 28B.10.405 and 1977 ex.s. c 169 s 16 are each amended to read as follows:

Members of the faculties and such other employees exempt from civil service pursuant to RCW 41.06.070 (1)(cc) and (2) as are designated by the boards of regents of the state universities, the boards of trustees of the regional universities and of The Evergreen State College, the higher education coordinating board, or the state board for community and technical colleges ~~((education))~~ who do not opt to become members of the teachers' retirement system or the public employees' retirement system under section 9 or 18 of this act, or who are not prevented from participation in an annuity or retirement plan under RCW 28B.10.400(2) shall be required to contribute not less than five percent of their salaries during each year of full-time service after the first two years of such service toward the purchase of such annuity or retirement income plan; such contributions may be in addition to federal social security tax contributions, if any.

**Sec. 4.** RCW 28B.10.410 and 1977 ex.s. c 169 s 17 are each amended to read as follows:

The boards of regents of the state universities, the boards of trustees of the regional universities and of The Evergreen State College, the higher education coordinating board, or the state board for community and technical colleges ~~((education))~~ shall pay not more than one-half of the annual premium of any annuity or retirement income plan established under the provisions of RCW 28B.10.400 ~~((as now or hereafter amended))~~. Such contribution shall not exceed ten percent of the salary of the faculty member or other employee on whose behalf the contribution is made. This contribution may be in addition to federal social security tax contributions made by the boards, if any.

**Sec. 5.** RCW 28B.10.415 and 1979 ex.s. c 259 s 2 are each amended to read as follows:

The boards of regents of the state universities, the boards of trustees of the regional universities and of The Evergreen State College, the higher education coordinating board, or the state board for community and technical colleges ~~((education))~~ shall not pay any amount to be added to the annuity or retirement income plan of any retired person who was first hired on or after July 1, 2011, or who has served for less than ten years in one or more of the state institutions of higher education. In the case of persons who have served more than ten years but less than twenty-five years no amount shall be paid in excess of four percent of the amount authorized in ~~((subdivision (3) of))~~ RCW 28B.10.400 ~~((as now or hereafter amended))~~ (1)(c), multiplied by the number of years of full-time service rendered by such person: PROVIDED, That credit for years of service at an institution of higher education shall be limited to those years in which contributions were made by a faculty member or other employee designated pursuant to RCW 28B.10.400(1)(a) and the institution or the state as a result of which a benefit is being received by a retired person from any Washington state public retirement plan: PROVIDED FURTHER, That all such benefits that a retired person is eligible to receive shall reduce any supplementation payments provided for in RCW 28B.10.400 ~~((as now or hereafter amended))~~.

**Sec. 6.** RCW 28B.10.417 and 1977 ex.s. c 169 s 19 are each amended to read as follows:

(1) This section applies only to those persons who are first employed by a higher education institution in a position eligible for participation in an annuity or retirement program under RCW 28B.10.400 prior to July 1, 2011.

(2) A faculty member or other employee exempt from civil service pursuant to RCW 41.06.070 (1)(cc) and (2) designated by the board of trustees of the applicable regional university or of The Evergreen State College as being subject to an annuity or retirement income plan and who, at the time of such designation, is a member of the Washington state teachers' retirement system, shall retain credit for such service in the Washington state teachers' retirement system and, except as provided in subsection ~~((2))~~ (3) of this section, shall leave his or her accumulated contributions in the teachers' retirement fund. Upon his or her attaining eligibility for retirement under the Washington state teachers' retirement system, such faculty member or other employee shall receive from the Washington state teachers' retirement system a retirement allowance consisting of an annuity which shall be the actuarial equivalent of his or her

accumulated contributions at his or her age when becoming eligible for such retirement and a pension for each year of creditable service established and retained at the time of said designation as provided in RCW 41.32.497 (~~as now or hereafter amended~~). Anyone who on July 1, 1967, was receiving pension payments from the teachers' retirement system based on thirty-five years of creditable service shall thereafter receive a pension based on the total years of creditable service established with the retirement system: PROVIDED, HOWEVER, That any such faculty member or other employee exempt from civil service pursuant to RCW 41.06.070 (1)(cc) and (2) who, upon attainment of eligibility for retirement under the Washington state teachers' retirement system, is still engaged in public educational employment, shall not be eligible to receive benefits under the Washington state teachers' retirement system until he or she ceases such public educational employment. Any retired faculty member or other employee who enters service in any public educational institution shall cease to receive pension payments while engaged in such service: PROVIDED FURTHER, That such service may be rendered up to seventy-five days in a school year without reduction of pension.

~~((2))~~ (3) A faculty member or other exempt employee designated by the board of trustees of the applicable regional university or of The Evergreen State College as being subject to the annuity and retirement income plan and who, at the time of such designation, is a member of the Washington state teachers' retirement system may, at his or her election and at any time, on and after midnight June 10, 1959, terminate his or her membership in the Washington state teachers' retirement system and withdraw his or her accumulated contributions and interest in the teachers' retirement fund upon written application to the board of trustees of the Washington state teachers' retirement system. Faculty members or other employees who withdraw their accumulated contributions, on and after the date of withdrawal of contributions, shall no longer be members of the Washington state teachers' retirement system and shall forfeit all rights of membership, including pension benefits, theretofore acquired under the Washington state teachers' retirement system.

**Sec. 7.** RCW 28B.10.423 and 1973 1st ex.s. c 149 s 8 are each amended to read as follows:

(1) For employees who are first employed by an institution of higher education in a position eligible for participation in an old age annuities or retirement income plan under this chapter prior to July 1, 2011, it is the intent of RCW 28B.10.400, 28B.10.405, 28B.10.410, 28B.10.415, 28B.10.420, and 28B.10.423 ((and 83.20.030)) that the retirement income resulting from the contributions described herein from the state of Washington and the employee shall be projected actuarially so that it shall not exceed sixty percent of the average of the highest two consecutive years salary. Periodic review of the retirement systems established pursuant to RCW 28B.10.400, 28B.10.405, 28B.10.410, 28B.10.415, 28B.10.420, and 28B.10.423 ((and 83.20.030)) will be undertaken at such time and in such manner as determined by the committees on ways and means of the senate and of the house of representatives ((and the public pension commission)), the select committee on pension policy, and the pension funding council, and joint contribution rates will be adjusted if necessary to accomplish this intent.

(2) Beginning July 1, 2011, state funding for annuity or retirement income plans under RCW 28B.10.400 shall not exceed six percent of salary. The state board for community and technical colleges and the higher education coordinating board are exempt from the provisions of this subsection (2).

(3) By June 30, 2013, and every two years thereafter, each institution of higher education that is responsible for payment of supplemental amounts under RCW 28B.10.400(1)(c) shall contract with the state actuary under chapter 41.44 RCW for an actuarial valuation of their supplemental benefit plan. By June 30, 2013, and at least once every six years thereafter, each institution shall also contract with the state actuary under chapter 41.44 RCW for an actuarial experience study of the mortality, service, compensation, and other experience of the annuity or retirement income plans created in this chapter, and into the financial condition of each system. At the discretion of the state actuary, the valuation or experience study may be performed by the state actuary or by an outside actuarial firm under contract to the office of the state actuary. Each institution of higher education is required to provide the data and information required for the performance of the valuation or experience study to the office of the state actuary or to the actuary performing the study on behalf of the state actuary. The state actuary may charge each institution for the actual cost of the valuation or experience study through an interagency agreement. Upon completion of the valuation or experience study, the state actuary shall provide copies of the study to the institution of higher education and to the select committee on pension policy and the pension funding council.

(4)(a) A higher education retirement plan supplemental benefit fund is created in the custody of the state treasurer for the purpose of funding future benefit obligations of higher education retirement plan supplemental benefits. The state investment board has the full power to invest, reinvest, manage, contract, sell, or exchange investment money in the fund.

(b) From January 1, 2012, through June 30, 2013, an employer contribution rate of one-quarter of one percent of salary is established to begin prefunding the unfunded future obligations of the supplemental benefit established in RCW 28B.10.400.

(c) Beginning July 1, 2013, an employer contribution rate of one-half of one percent of salary is established to prefund the unfunded future obligations of the supplemental benefit established in RCW 28B.10.400.

(d) Consistent with chapter 41.50 RCW, the department of retirement systems shall collect the employer contribution rates established in this section from each state institution of higher education, and deposit those contributions into the higher education retirement plan supplemental benefit fund. The contributions made by each employer into the higher education retirement plan supplemental benefit fund and the earnings on those contributions shall be accounted for separately within the fund.

(e) Following the completion and review of the initial actuarial valuations and experience study conducted pursuant to subsection (3) of this section, the pension funding council may:

(i) Adopt and make changes to the employer contribution rates established in this subsection consistent with the procedures established in chapter 41.45 RCW. If the actuarial valuations of the higher education retirement plans of each institution contributing to the higher education retirement plan supplemental

benefit fund suggest that different contribution rates are appropriate for each institution, different rates may be adopted. Rates adopted by the pension funding council are subject to revision by the legislature;

(ii) Recommend legislation that will, upon accumulation of sufficient funding in the higher education retirement plan supplemental benefit fund, transfer the responsibility for making supplemental benefit payments to the department of retirement systems, and adjust employer contribution rates to reflect the transfer of responsibility.

**Sec. 8.** RCW 28B.10.430 and 1979 ex.s. c 96 s 5 are each amended to read as follows:

(1) This section applies only to those persons who are first employed by an institution of higher education in a position eligible for participation in an old age annuities or retirement income plan under this chapter prior to July 1, 2011.

(2) For any person receiving a monthly benefit pursuant to a program established under RCW 28B.10.400, the pension portion of such benefit shall be the sum of the following amounts:

(a) One-half of the monthly benefit payable under such program by a life insurance company; and

(b) The monthly equivalent of the supplemental benefit described in RCW 28B.10.400~~((3))~~ (1)(c).

~~((2))~~ (3) Notwithstanding any provision of law to the contrary, effective July 1, 1979, no person receiving a monthly benefit pursuant to RCW 28B.10.400 shall receive, as the pension portion of that benefit, less than ten dollars per month for each year of service creditable to the person whose service is the basis of the benefit. Portions of a year shall be treated as fractions of a year and the decimal equivalent shall be multiplied by ten dollars. Where the benefit was adjusted at the time benefit payments to the beneficiary commenced, the minimum pension provided in this section shall be adjusted in a manner consistent with that adjustment.

~~((3))~~ (4) Notwithstanding any provision of law to the contrary, effective July 1, 1979, the monthly benefit of each person who commenced receiving a monthly benefit under this chapter as of a date no later than July 1, 1974, shall be permanently increased by a post-retirement adjustment. Such adjustment shall be calculated as follows:

(a) Monthly benefits to which this subsection and subsection ~~((2))~~ (3) of this section are both applicable shall be determined by first applying subsection ~~((2))~~ (3) of this section and then applying this subsection. The ~~((department))~~ institution shall determine the total years of creditable service and the total dollar benefit base accrued as of December 31, 1978, except that this determination shall take into account only those persons to whom this subsection applies;

(b) The ~~((department))~~ institution shall multiply the total benefits determined in (a) of this subsection by six percent and divide the dollar value thus determined by the total service determined in (a) of this subsection. The resultant figure shall then be a post-retirement increase factor which shall be applied as specified in (c) of this subsection;

(c) Each person to whom this subsection applies shall receive an increase which is the product of the factor determined in (b) of this subsection multiplied by the years of creditable service.

NEW SECTION. Sec. 9. A new section is added to chapter 41.32 RCW to be codified under the subchapter heading "plan 3" to read as follows:

(1) All faculty members who are first employed by an institution of higher education in a position eligible for participation in old age annuities or retirement income plans under chapter 28B.10 RCW on or after July 1, 2011, have a period of thirty days to make an irrevocable choice to:

(a) Become a member of the teachers' retirement system plan 3 under this chapter; or

(b) Participate in the annuities or retirement income plan provided by the institution.

(2) At the end of thirty days, if the member has not made a choice to become a member of the teachers' retirement system, he or she becomes a participant in the institution's plan under RCW 28B.10.400, but does not become eligible for any supplemental benefit under RCW 28B.10.400(1)(c).

Sec. 10. RCW 41.32.570 and 2007 c 50 s 3 are each amended to read as follows:

(1)(a) If a retiree enters employment with an employer sooner than one calendar month after his or her accrual date, the retiree's monthly retirement allowance will be reduced by five and one-half percent for every seven hours worked during that month. This reduction will be applied each month until the retiree remains absent from employment with an employer for one full calendar month.

(b) The benefit reduction provided in (a) of this subsection will accrue for a maximum of one hundred forty hours per month. Any monthly benefit reduction over one hundred percent will be applied to the benefit the retiree is eligible to receive in subsequent months.

(2) ~~((Except under subsection (3) of this section,))~~ Any retired teacher or retired administrator who enters service in any public educational institution in Washington state at least one calendar month after his or her accrual date shall cease to receive pension payments while engaged in such service, after the retiree has rendered service for more than eight hundred sixty-seven hours in a school year.

(3) ~~((Any retired teacher or retired administrator who enters service in any public educational institution in Washington state one and one-half calendar months or more after his or her accrual date and:~~

~~(a) Is hired pursuant to a written policy into a position for which the school board has documented a justifiable need to hire a retiree into the position;~~

~~(b) Is hired through the established process for the position with the approval of the school board or other highest decision-making authority of the prospective employer;~~

~~(c) Whose employer retains records of the procedures followed and the decisions made in hiring the retired teacher or retired administrator and provides those records in the event of an audit; and~~

~~(d) The employee has not already rendered a cumulative total of more than one thousand nine hundred hours of service while in receipt of pension payments beyond an annual threshold of eight hundred sixty seven hours; shall cease to receive pension payments while engaged in that service after the retiree has rendered service for more than one thousand five hundred hours in a~~

~~school year. The one thousand nine hundred hour cumulative total limitation under this section applies prospectively after July 22, 2007.~~

~~(4) When a retired teacher or administrator renders service beyond eight hundred sixty-seven hours, the department shall collect from the employer the applicable employer retirement contributions for the entire duration of the member's employment during that fiscal year.~~

~~(5))~~ The department shall collect and provide the state actuary with information relevant to the use of this section for the select committee on pension policy.

~~((6))~~ (4) The legislature reserves the right to amend or repeal this section in the future and no member or beneficiary has a contractual right to be employed for more than five hundred twenty-five hours per year without a reduction of his or her pension.

**Sec. 11.** RCW 41.32.800 and 2004 c 242 s 55 are each amended to read as follows:

(1) Except as provided in RCW 41.32.802, no retiree under the provisions of plan 2 shall be eligible to receive such retiree's monthly retirement allowance if he or she is employed in an eligible position as defined in RCW 41.40.010, 41.32.010, 41.37.010, or 41.35.010, or as a law enforcement officer or firefighter as defined in RCW 41.26.030, or in a position covered by annuity and retirement income plans offered by institutions of higher education pursuant to RCW 28B.10.400.

If a retiree's benefits have been suspended under this section, his or her benefits shall be reinstated when the retiree terminates the employment that caused his or her benefits to be suspended. Upon reinstatement, the retiree's benefits shall be actuarially recomputed pursuant to the rules adopted by the department.

(2) The department shall adopt rules implementing this section.

**Sec. 12.** RCW 41.32.802 and 2004 c 242 s 61 are each amended to read as follows:

(1)(a) If a retiree enters employment with an employer sooner than one calendar month after his or her accrual date, the retiree's monthly retirement allowance will be reduced by five and one-half percent for every seven hours worked during that month. This reduction will be applied each month until the retiree remains absent from employment with an employer for one full calendar month.

(b) The benefit reduction provided in (a) of this subsection will accrue for a maximum of one hundred forty hours per month. Any benefit reduction over one hundred percent will be applied to the benefit the retiree is eligible to receive in subsequent months.

(2) A retiree who has satisfied the break in employment requirement of subsection (1) of this section, may work up to eight hundred sixty-seven hours per calendar year in an eligible position, as defined in RCW 41.32.010, 41.35.010, 41.37.010, or 41.40.010, or as a firefighter or law enforcement officer, as defined in RCW 41.26.030, or in a position covered by annuity and retirement income plans offered by institutions of higher education pursuant to RCW 28B.10.400, without suspension of his or her benefit.

(3) If the retiree opts to reestablish membership under RCW 41.32.044, he or she terminates his or her retirement status and immediately becomes a member. Retirement benefits shall not accrue during the period of membership and the individual shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible.

**Sec. 13.** RCW 41.32.860 and 2005 c 327 s 2 are each amended to read as follows:

(1) Except under RCW 41.32.862, no retiree shall be eligible to receive such retiree's monthly retirement allowance if he or she is employed in an eligible position as defined in RCW 41.40.010, 41.32.010, 41.35.010, or 41.37.010, or as a law enforcement officer or firefighter as defined in RCW 41.26.030, or in a position covered by annuity and retirement income plans offered by institutions of higher education pursuant to RCW 28B.10.400.

(2) If a retiree's benefits have been suspended under this section, his or her benefits shall be reinstated when the retiree terminates the employment that caused the suspension of benefits. Upon reinstatement, the retiree's benefits shall be actuarially recomputed pursuant to the rules adopted by the department.

**Sec. 14.** RCW 41.32.862 and 2004 c 242 s 62 are each amended to read as follows:

(1)(a) If a retiree enters employment with an employer sooner than one calendar month after his or her accrual date, the retiree's monthly retirement allowance will be reduced by five and one-half percent for every seven hours worked during that month. This reduction will be applied each month until the retiree remains absent from employment with an employer for one full calendar month.

(b) The benefit reduction provided in (a) of this subsection will accrue for a maximum of one hundred forty hours per month. Any benefit reduction over one hundred percent will be applied to the benefit the retiree is eligible to receive in subsequent months.

(2) A retiree who has satisfied the break in employment requirement of subsection (1) of this section, may work up to eight hundred sixty-seven hours per calendar year in an eligible position, as defined in RCW 41.32.010, 41.35.010, 41.37.010, or 41.40.010, or as a firefighter or law enforcement officer, as defined in RCW 41.26.030, or in a position covered by annuity and retirement income plans offered by institutions of higher education pursuant to RCW 28B.10.400, without suspension of his or her benefit.

(3) If the retiree opts to reestablish membership under RCW 41.32.044, he or she terminates his or her retirement status and immediately becomes a member. Retirement benefits shall not accrue during the period of membership and the individual shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible.

**Sec. 15.** RCW 41.35.060 and 2004 c 242 s 64 are each amended to read as follows:

(1)(a) If a retiree enters employment with an employer sooner than one calendar month after his or her accrual date, the retiree's monthly retirement allowance will be reduced by five and one-half percent for every eight hours worked during that month. This reduction will be applied each month until the



retiree remains absent from employment with an employer for one full calendar month.

(b) The benefit reduction provided in (a) of this subsection will accrue for a maximum of one hundred sixty hours per month. Any benefit reduction over one hundred percent will be applied to the benefit the retiree is eligible to receive in subsequent months.

(2) A retiree who has satisfied the break in employment requirement of subsection (1) of this section may work up to eight hundred sixty-seven hours per calendar year in an eligible position, as defined in RCW 41.32.010, 41.35.010, 41.37.010, or 41.40.010, or as a firefighter or law enforcement officer, as defined in RCW 41.26.030, or in a position covered by annuity and retirement income plans offered by institutions of higher education pursuant to RCW 28B.10.400, without suspension of his or her benefit.

(3) If the retiree opts to reestablish membership under RCW 41.35.030, he or she terminates his or her retirement status and becomes a member. Retirement benefits shall not accrue during the period of membership and the individual shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW 41.35.420 or 41.35.680. However, if the right to retire is exercised to become effective before the member has rendered two uninterrupted years of service, the retirement formula and survivor options the member had at the time of the member's previous retirement shall be reinstated.

**Sec. 16.** RCW 41.35.230 and 2004 c 242 s 56 are each amended to read as follows:

(1) Except as provided in RCW 41.35.060, no retiree under the provisions of plan 2 shall be eligible to receive such retiree's monthly retirement allowance if he or she is employed in an eligible position as defined in RCW 41.35.010, 41.40.010, 41.37.010, or 41.32.010, or as a law enforcement officer or firefighter as defined in RCW 41.26.030, or in a position covered by annuity and retirement income plans offered by institutions of higher education pursuant to RCW 28B.10.400, except that a retiree who ends his or her membership in the retirement system pursuant to RCW 41.40.023(3)(b) is not subject to this section if the retiree's only employment is as an elective official.

(2) If a retiree's benefits have been suspended under this section, his or her benefits shall be reinstated when the retiree terminates the employment that caused his or her benefits to be suspended. Upon reinstatement, the retiree's benefits shall be actuarially recomputed pursuant to the rules adopted by the department.

(3) The department shall adopt rules implementing this section.

**Sec. 17.** RCW 41.37.050 and 2005 c 327 s 6 are each amended to read as follows:

(1)(a) If a retiree enters employment in an eligible position with an employer as defined in this chapter sooner than one calendar month after his or her accrual date, the retiree's monthly retirement allowance will be reduced by five and one-half percent for every eight hours worked during that month. This reduction will be applied each month until the retiree remains absent from employment with an employer for one full calendar month.

(b) If a retiree enters employment in an eligible position with an employer as defined in chapter 41.32, 41.35, or 41.40 RCW sooner than one calendar month after his or her accrual date, the retiree's monthly retirement allowance will be reduced by five and one-half percent for every eight hours worked during that month. This reduction will be applied each month until the retiree remains absent from employment with an employer for one full calendar month.

(c) The benefit reduction provided in (a) and (b) of this subsection will accrue for a maximum of one hundred sixty hours per month. Any benefit reduction over one hundred percent will be applied to the benefit the retiree is eligible to receive in subsequent months.

(2) A retiree who has satisfied the break in employment requirement of subsection (1) of this section may work up to eight hundred sixty-seven hours per calendar year in an eligible position as defined in RCW 41.32.010, 41.35.010, or 41.40.010, or as a law enforcement officer or firefighter as defined in RCW 41.26.030, or in a position covered by annuity and retirement income plans offered by institutions of higher education pursuant to RCW 28B.10.400, without suspension of his or her benefit.

(3) If the retiree opts to reestablish membership under this chapter, he or she terminates his or her retirement status and becomes a member. Retirement benefits shall not accrue during the period of membership and the individual shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with this chapter. However, if the right to retire is exercised to become effective before the member has rendered two uninterrupted years of service, the retirement formula and survivor options the member had at the time of the member's previous retirement shall be reinstated.

(4) The department shall collect and provide the state actuary with information relevant to the use of this section for the select committee on pension policy.

**NEW SECTION. Sec. 18.** A new section is added to chapter 41.40 RCW to be codified under the subchapter heading "plan 3" to read as follows:

(1) All employees who are not qualified under section 9 of this act and who are first employed by an institution of higher education in a position eligible for participation in old age annuities or retirement income plans under RCW 28B.10.400 on or after July 1, 2011, have a period of thirty days to make an irrevocable choice to:

(a) Become a member of the public employees' retirement system plan 3 under this chapter; or

(b) Participate in the annuities or retirement income plan provided by the institution.

(2) At the end of thirty days, if the member has not made a choice to become a member of the public employees' retirement system, he or she becomes a participant in the institution's plan under RCW 28B.10.400, but does not become eligible for any supplemental benefit under RCW 28B.10.400(1)(c).

**Sec. 19.** RCW 41.40.037 and 2007 c 50 s 5 are each amended to read as follows:

(1)(a) If a retiree enters employment with an employer sooner than one calendar month after his or her accrual date, the retiree's monthly retirement

allowance will be reduced by five and one-half percent for every eight hours worked during that month. This reduction will be applied each month until the retiree remains absent from employment with an employer for one full calendar month.

(b) The benefit reduction provided in (a) of this subsection will accrue for a maximum of one hundred sixty hours per month. Any benefit reduction over one hundred percent will be applied to the benefit the retiree is eligible to receive in subsequent months.

~~(2)((a) Except as provided in (b) of this subsection,)~~ A retiree from plan 1, plan 2, or plan 3 who enters employment with an employer at least one calendar month after his or her accrual date may continue to receive pension payments while engaged in such service for up to eight hundred sixty-seven hours of service in a calendar year without a reduction of pension. For purposes of this section, employment includes positions covered by annuity and retirement income plans offered by institutions of higher education pursuant to RCW 28B.10.400.

~~((b) A retiree from plan 1 who enters employment with an employer at least three calendar months after his or her accrual date and:~~

~~(i) Is hired pursuant to a written policy into a position for which the employer has documented a justifiable need to hire a retiree into the position;~~

~~(ii) Is hired through the established process for the position with the approval of: A school board for a school district; the chief executive officer of a state agency employer; the secretary of the senate for the senate; the chief clerk of the house of representatives for the house of representatives; the secretary of the senate and the chief clerk of the house of representatives jointly for the joint legislative audit and review committee, the select committee on pension policy, the legislative evaluation and accountability program, the legislative systems committee, and the statute law committee; or according to rules adopted for the rehiring of retired plan 1 members for a local government employer;~~

~~(iii) The employer retains records of the procedures followed and decisions made in hiring the retiree, and provides those records in the event of an audit; and~~

~~(iv) The employee has not already rendered a cumulative total of more than one thousand nine hundred hours of service while in receipt of pension payments beyond an annual threshold of eight hundred sixty-seven hours;~~

~~shall cease to receive pension payments while engaged in that service after the retiree has rendered service for more than one thousand five hundred hours in a calendar year. The one thousand nine hundred hour cumulative total under this subsection applies prospectively to those retiring after July 27, 2003, and retroactively to those who retired prior to July 27, 2003, and shall be calculated from the date of retirement.~~

~~(e) When a plan 1 member renders service beyond eight hundred sixty-seven hours, the department shall collect from the employer the applicable employer retirement contributions for the entire duration of the member's employment during that calendar year.~~

~~(d) A retiree from plan 2 or plan 3 who has satisfied the break in employment requirement of subsection (1) of this section may work up to eight hundred sixty-seven hours in a calendar year in an eligible position, as defined in RCW 41.32.010, 41.35.010, 41.37.010, or 41.40.010, or as a firefighter or law~~

~~enforcement officer, as defined in RCW 41.26.030, without suspension of his or her benefit.)~~

(3) If the retiree opts to reestablish membership under RCW 41.40.023(12), he or she terminates his or her retirement status and becomes a member. Retirement benefits shall not accrue during the period of membership and the individual shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW 41.40.180. However, if the right to retire is exercised to become effective before the member has rendered two uninterrupted years of service, the retirement formula and survivor options the member had at the time of the member's previous retirement shall be reinstated.

(4) The department shall collect and provide the state actuary with information relevant to the use of this section for the select committee on pension policy.

(5) The legislature reserves the right to amend or repeal this section in the future and no member or beneficiary has a contractual right to be employed for more than five months in a calendar year without a reduction of his or her pension.

**Sec. 20.** RCW 41.50.030 and 2004 c 242 s 42 are each amended to read as follows:

(1) As soon as possible but not more than one hundred and eighty days after March 19, 1976, there is transferred to the department of retirement systems, except as otherwise provided in this chapter, all powers, duties, and functions of:

- (a) The Washington public employees' retirement system;
- (b) The Washington state teachers' retirement system;
- (c) The Washington law enforcement officers' and firefighters' retirement system;
- (d) The Washington state patrol retirement system;
- (e) The Washington judicial retirement system; and
- (f) The state treasurer with respect to the administration of the judges' retirement fund imposed pursuant to chapter 2.12 RCW.

(2) On July 1, 1996, there is transferred to the department all powers, duties, and functions of the deferred compensation committee.

(3) The department shall administer chapter 41.34 RCW.

(4) The department shall administer the Washington school employees' retirement system created under chapter 41.35 RCW.

(5) The department shall administer the Washington public safety employees' retirement system created under chapter 41.37 RCW.

(6) The department shall administer the collection of employer contributions and initial prefunding of the higher education retirement plan supplemental benefits, also referred to as the annuity or retirement income plans created under chapter 28B.10 RCW.

**Sec. 21.** RCW 41.50.080 and 2004 c 242 s 45 are each amended to read as follows:

The state investment board shall provide for the investment of all funds of the Washington public employees' retirement system, the teachers' retirement system, the school employees' retirement system, the Washington law enforcement officers' and firefighters' retirement system, the Washington state

patrol retirement system, the Washington judicial retirement system, the Washington public safety employees' retirement system, the higher education retirement plan supplemental benefit fund, and the judges' retirement fund, pursuant to RCW 43.84.150, and may sell or exchange investments acquired in the exercise of that authority.

**Sec. 22.** RCW 41.50.110 and 2009 c 564 s 924 are each amended to read as follows:

(1) Except as provided by RCW 41.50.255 and subsection (6) of this section, all expenses of the administration of the department, the expenses of administration of the retirement systems, and the expenses of the administration of the office of the state actuary created in chapters 2.10, 2.12, 28B.10, 41.26, 41.32, 41.40, 41.34, 41.35, 41.37, 43.43, and 44.44 RCW shall be paid from the department of retirement systems expense fund.

(2) In order to reimburse the department of retirement systems expense fund on an equitable basis the department shall ascertain and report to each employer, as defined in RCW 28B.10.400, 41.26.030, 41.32.010, 41.35.010, 41.37.010, or 41.40.010, the sum necessary to defray its proportional share of the entire expense of the administration of the retirement system that the employer participates in during the ensuing biennium or fiscal year whichever may be required. Such sum is to be computed in an amount directly proportional to the estimated entire expense of the administration as the ratio of monthly salaries of the employer's members bears to the total salaries of all members in the entire system. It shall then be the duty of all such employers to include in their budgets or otherwise provide the amounts so required.

(3) The department shall compute and bill each employer, as defined in RCW 28B.10.400, 41.26.030, 41.32.010, 41.35.010, 41.37.010, or 41.40.010, at the end of each month for the amount due for that month to the department of retirement systems expense fund and the same shall be paid as are its other obligations. Such computation as to each employer shall be made on a percentage rate of salary established by the department. However, the department may at its discretion establish a system of billing based upon calendar year quarters in which event the said billing shall be at the end of each such quarter.

(4) The director may adjust the expense fund contribution rate for each system at any time when necessary to reflect unanticipated costs or savings in administering the department.

(5) An employer who fails to submit timely and accurate reports to the department may be assessed an additional fee related to the increased costs incurred by the department in processing the deficient reports. Fees paid under this subsection shall be deposited in the retirement system expense fund.

(a) Every six months the department shall determine the amount of an employer's fee by reviewing the timeliness and accuracy of the reports submitted by the employer in the preceding six months. If those reports were not both timely and accurate the department may prospectively assess an additional fee under this subsection.

(b) An additional fee assessed by the department under this subsection shall not exceed fifty percent of the standard fee.

(c) The department shall adopt rules implementing this section.

(6) Expenses other than those under RCW 41.34.060(3) shall be paid pursuant to subsection (1) of this section.

(7) During the 2007-2009 and 2009-2011 fiscal biennia, the legislature may transfer from the department of retirement systems' expense fund to the state general fund such amounts as reflect the excess fund balance of the fund.

**NEW SECTION. Sec. 23.** Except for sections 10 and 19 of this act which take effect January 1, 2012, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2011.

Passed by the House May 24, 2011.

Passed by the Senate May 21, 2011.

Approved by the Governor June 15, 2011.

Filed in Office of Secretary of State June 15, 2011.

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## CHAPTER 48

[Engrossed Substitute House Bill 1497]

### 2011-2013 CAPITAL BUDGET—FUNDING OTHER THAN BOND PROCEEDS

AN ACT Relating to the capital budget; making appropriations and authorizing expenditures for capital improvements; amending RCW 39.35B.050, 28B.20.725, 28B.30.750, 28B.50.360, 43.43.944, 43.63A.125, 82.16.020, 82.16.020, 82.18.040, and 82.45.060; amending 2009 c 497 ss 3136 and 3155 (uncodified); amending 2010 1st sp.s. c 36 s 1017 (uncodified); amending 2010 1st sp.s. c 3 s 6005 (uncodified); amending 2011 c 5 s 801 (uncodified); reenacting and amending RCW 28B.15.210, 28B.15.310, and 28B.35.370; adding a new section to chapter 43.155 RCW; adding new sections to 2009 c 497 (uncodified); creating new sections; providing an effective date; providing an expiration date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION. Sec. 1.** (1) A capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period beginning with the effective date of this act and ending June 30, 2013, out of the several funds specified in this act.

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

(a) "Fiscal year 2012" or "FY 2012" means the period beginning July 1, 2011, and ending June 30, 2012.

(b) "Fiscal year 2013" or "FY 2013" means the period beginning July 1, 2012, and ending June 30, 2013.

(c) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(d) "Provided solely" means the specified amount may be spent only for the specified purpose.

(3) The appropriations in this act are appropriations for capital purposes from sources other than bond proceeds. Appropriations in this act may not necessarily represent all expenditures authorized for a particular project for the 2011-2013 fiscal biennium. For some projects receiving appropriations in this act, additional appropriations from other sources for those projects may also be contained in chapter . . . , Laws of 2011 (House Bill No. 2020).

(4) Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose that is not expended subject to the specified conditions and limitations to fulfill the specified purpose shall lapse.

(5) The amounts shown under the headings "Prior Biennia," "Future Biennia," and "Total" in this act are for informational purposes only and do not constitute legislative approval of these amounts. "Prior biennia" typically refers to the immediate prior biennium for reappropriations, but may refer to multiple biennia in the case of specific projects. A "future biennia" amount is an estimate of what may be appropriated for the project or program in the 2011-2013 biennium and the following three biennia; an amount of zero does not necessarily constitute legislative intent to not provide funding for the project or program in the future.

(6) "Reappropriations" in this act are appropriations and, unless the context clearly provides otherwise, are subject to the relevant conditions and limitations applicable to appropriations. Reappropriations shall be limited to the unexpended balances remaining on June 30, 2011, from the 2009-2011 biennial appropriations for each project.

**PART 1  
GENERAL GOVERNMENT**

**NEW SECTION. Sec. 1001. FOR THE DEPARTMENT OF COMMERCE**

Rural Washington Loan Fund (19882002)

Reappropriation:

Rural Washington Loan Account—State . . . . .	\$209,000
Prior Biennia (Expenditures) . . . . .	\$6,334,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$6,543,000

**NEW SECTION. Sec. 1002. FOR THE DEPARTMENT OF COMMERCE**

Drinking Water Assistance Account (20044002)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 130, chapter 26, Laws of 2003.

Reappropriation:

Drinking Water Assistance Repayment Account—State . . . . .	\$764,000
Prior Biennia (Expenditures) . . . . .	\$15,936,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$16,700,000

**NEW SECTION. Sec. 1003. FOR THE DEPARTMENT OF COMMERCE**

Drinking Water Assistance Program (20064003)

**Ch. 48 WASHINGTON LAWS, 2011 Sp. Sess.**

Reappropriation:

Drinking Water Assistance Repayment	
Account—State . . . . .	\$13,508,000
Prior Biennia (Expenditures) . . . . .	\$16,372,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$29,880,000

**NEW SECTION. Sec. 1004. FOR THE DEPARTMENT OF COMMERCE**

Rural Washington Loan Fund (20064010)

Reappropriation:

Rural Washington Loan Account—State . . . . .	\$2,658,000
Prior Biennia (Expenditures) . . . . .	\$1,469,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$4,127,000

**NEW SECTION. Sec. 1005. FOR THE DEPARTMENT OF COMMERCE**

Community Economic Revitalization Board (20064011)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 121, chapter 488, Laws of 2005.

Reappropriation:

Public Facility Construction Loan Revolving	
Account—State . . . . .	\$2,165,000
Prior Biennia (Expenditures) . . . . .	\$18,284,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$20,449,000

**NEW SECTION. Sec. 1006. FOR THE DEPARTMENT OF COMMERCE**

Drinking Water Assistance Program (20074004)

Reappropriation:

Drinking Water Assistance Account—State . . . . .	\$3,902,000
Drinking Water Assistance Repayment	
Account—State . . . . .	\$21,100,000
Subtotal Reappropriation . . . . .	\$25,002,000
Prior Biennia (Expenditures) . . . . .	\$6,898,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$31,900,000

**NEW SECTION. Sec. 1007. FOR THE DEPARTMENT OF COMMERCE**

Public Works Trust Fund (20074005)

Reappropriation:

Public Works Assistance Account—State . . . . .	\$100,000,000
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Prior Biennia (Expenditures) . . . . .	\$32,000,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$132,000,000

**NEW SECTION. Sec. 1008. FOR THE DEPARTMENT OF COMMERCE**

Rural Washington Loan Fund (20074008)

Reappropriation:

Rural Washington Loan Account—State . . . . .	\$1,856,000
Prior Biennia (Expenditures) . . . . .	\$171,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$2,027,000

**NEW SECTION. Sec. 1009. FOR THE DEPARTMENT OF COMMERCE**

Housing Assistance, Weatherization, and Affordable Housing (20074009)

Reappropriation:

Washington Housing Trust Account—State . . . . .	\$2,209,000
Prior Biennia (Expenditures) . . . . .	\$11,091,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$13,300,000

**NEW SECTION. Sec. 1010. FOR THE DEPARTMENT OF COMMERCE**

Community Economic Revitalization Board (20074015)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1028, chapter 520, Laws of 2007.

Reappropriation:

Public Facility Construction Loan Revolving Account—State . . . . .	\$7,289,000
Prior Biennia (Expenditures) . . . . .	\$12,711,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$20,000,000

**NEW SECTION. Sec. 1011. FOR THE DEPARTMENT OF COMMERCE**

Drinking Water State Revolving Fund Loan Program (30000005)

Reappropriation:

Drinking Water Assistance Account—State . . . . .	\$10,930,000
Drinking Water Assistance Repayment Account—State . . . . .	\$31,201,000
Subtotal Reappropriation . . . . .	\$42,131,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$42,131,000

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**NEW SECTION. Sec. 1012. FOR THE DEPARTMENT OF COMMERCE**

Community Economic Revitalization Board (30000010)

Reappropriation:

Public Facility Construction Loan Revolving	
Account—State . . . . .	\$6,253,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$6,253,000

**NEW SECTION. Sec. 1013. FOR THE DEPARTMENT OF COMMERCE**

Housing Assistance, Weatherization, and Affordable Housing (30000013)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 1012, chapter 36, Laws of 2010 1st sp. sess.

Reappropriation:

Washington Housing Trust Account—State . . . . .	\$9,199,000
Prior Biennia (Expenditures) . . . . .	\$801,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$10,000,000

**NEW SECTION. Sec. 1014. FOR THE DEPARTMENT OF COMMERCE**

Energy Freedom Program (30000056)

Reappropriation:

Energy Recovery Act Account—Federal Stimulus . . . . .	\$32,218,000
Prior Biennia (Expenditures) . . . . .	\$6,282,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$38,500,000

**NEW SECTION. Sec. 1015. FOR THE DEPARTMENT OF COMMERCE**

Community Development Block Grants (91000011)

Reappropriation:

General Fund—Federal Stimulus . . . . .	\$911,000
Prior Biennia (Expenditures) . . . . .	\$3,289,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$4,200,000

**NEW SECTION. Sec. 1016. FOR THE DEPARTMENT OF COMMERCE**

Weatherization (91000013)

Reappropriation:

General Fund—Federal Stimulus . . . . .	\$17,469,000
Prior Biennia (Expenditures) . . . . .	\$31,531,000

Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$49,000,000

**NEW SECTION. Sec. 1017. FOR THE DEPARTMENT OF COMMERCE**

Community Economic Revitalization Board - Export Assistance Grants and Loans (92000069)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1018, chapter 36, Laws of 2010 1st sp. sess.

Reappropriation:

Public Facility Construction Loan Revolving	
Account—State.....	\$2,965,000
Prior Biennia (Expenditures).....	\$35,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$3,000,000

**NEW SECTION. Sec. 1018. FOR THE DEPARTMENT OF COMMERCE**

Drinking Water State Revolving Fund Loan Program (30000095)

The appropriations in this section are subject to the following conditions and limitations: For projects involving repair, replacement, or improvement of a clean water infrastructure facility or other public works facility for which an investment grade audit is obtainable, the public works board must require as a contract condition that the project sponsor undertake an investment grade audit. The project sponsor may finance the costs of the audit as part of its drinking water state revolving fund program loan.

Appropriation:

Drinking Water Assistance Account—State.....	\$16,000,000
Drinking Water Assistance Repayment	
Account—State.....	\$32,000,000
Subtotal Appropriation.....	\$48,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$192,000,000
TOTAL.....	\$240,000,000

**NEW SECTION. Sec. 1019. FOR THE DEPARTMENT OF COMMERCE**

Community Economic Revitalization Board (30000097)

Appropriation:

Public Facility Construction Loan Revolving	
Account—State.....	\$5,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$20,000,000
TOTAL.....	\$25,000,000

**NEW SECTION. Sec. 1020. FOR THE DEPARTMENT OF COMMERCE**

Clean Energy Partnership (30000175)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for implementation of the recommendations of the clean energy leadership council by providing state matching funds for projects that:

- (a) Integrate energy efficiency and renewable energy in buildings;
- (b) Integrate renewable energy into the regional electrical grid; or
- (c) Advance bioenergy in the state.

(2) State funding must not exceed fifty percent of the total program or project funds.

(3) The majority of companies involved in these projects must be companies that are located in Washington state.

(4) Eligible projects must:

(a) Represent a substantially new solution that is not widely available today; and

(b) Be designed to generate solutions that are applicable both inside and outside of the state.

Appropriation:

Public Facility Construction Loan Revolving	
Account—State . . . . .	\$5,500,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$5,500,000

**NEW SECTION. Sec. 1021. FOR THE DEPARTMENT OF COMMERCE**

Public Works Assistance Account Program (30000103)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for the list of projects in LEAP capital document No. 2011-1D, developed May 24, 2011.

(2) For projects involving repair, replacement, or improvement of a wastewater treatment plant or other public works facility for which an investment grade audit is obtainable, the public works board must require as a contract condition that the project sponsor undertake an investment grade audit. The project sponsor may finance the costs of the audit as part of its public works assistance account loan.

(3) The public works board is directed to develop a more effective program for the efficient achievement of the goals of RCW 70.235.070. The board shall report to the legislature on this effort by January 1, 2012.

(4) For application rounds that occur during the 2011-2013 biennium, roads, streets, and bridges will not be eligible for funding from the public works assistance account.

Appropriation:

Public Works Assistance Account—State . . . . .	\$324,585,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$324,585,000

**NEW SECTION. Sec. 1022. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Engineering and Architectural Services: Staffing (91000005)

Appropriation:

Charitable, Educational, Penal and Reformatory Institutions Account—State . . . . .	\$928,000
Capitol Building Construction Account—State . . . . .	\$790,000
Subtotal Appropriation . . . . .	\$1,718,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1,718,000

**NEW SECTION. Sec. 1023. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Legislative Building Critical Hydronic Loop Repairs (30000584)

Appropriation:

Capitol Building Construction Account—State . . . . .	\$1,179,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1,179,000

**NEW SECTION. Sec. 1024. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Capitol Lake Dredging (30000571)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to begin the process of seeking necessary permits to dredge and spot dredge excess sediments as required under all of the proposed long-term management strategies.

Appropriation:

State Toxics Control Account—State . . . . .	\$200,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$200,000

**NEW SECTION. Sec. 1025. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Reuse GA Building for Heritage Center, State Library, and State Patrol (92000003)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the preparation of an updated predesign for renovation of the "GA Building." Tenants in the

renovated facility must include the Washington state heritage center, the Washington state library, the state patrol, and other possible state agency tenants. The Washington state heritage center shall occupy approximately 50,000 square feet, the Washington state library shall occupy approximately 50,000 square feet, and the state patrol and other state agencies shall occupy the remaining space. A small cafeteria with public space may be included in a part of the building that provides view of the Olympic Mountains, Budd Bay, and Capital Lake. The predesign must limit the scope of the project to a price that can be financed with the fund balance and expected annual revenue in the Washington state heritage center account and the current level lease payments of the tenants expected to move into the building at the time of occupancy. The department shall also review the suitability of the space in "OB2" that will be vacated by the department of information services for expanding archive storage space. The space in the renovated "GA Building" must be limited to the exhibition of historically significant documents from the state archives and may include online access to state archive records, and must not include permanent storage of state archive documents.

Appropriation:

Washington State Heritage Account—State . . . . .	\$150,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$150,000

**NEW SECTION. Sec. 1026. FOR THE MILITARY DEPARTMENT**

Minor Works Preservation (30000002)

Reappropriation:

General Fund—Federal . . . . .	\$5,633,000
Prior Biennia (Expenditures) . . . . .	\$3,039,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$8,672,000

**NEW SECTION. Sec. 1027. FOR THE MILITARY DEPARTMENT**

Minor Works Program (30000003)

Reappropriation:

General Fund—Federal . . . . .	\$2,596,000
Prior Biennia (Expenditures) . . . . .	\$543,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$3,139,000

**NEW SECTION. Sec. 1028. FOR THE MILITARY DEPARTMENT**

Camp Murray New Primary Gate Entrance (30000482)

Reappropriation:

General Fund—Federal . . . . .	\$2,994,000
Military Department Capital Account—State . . . . .	\$1,435,000
Subtotal Reappropriation . . . . .	\$4,429,000
Prior Biennia (Expenditures) . . . . .	\$498,000
Future Biennia (Projected Costs) . . . . .	\$0

TOTAL ..... \$4,927,000

**NEW SECTION, Sec. 1029. FOR THE MILITARY DEPARTMENT**

Combined Support Maintenance Shop (20082006)

Reappropriation:

General Fund—Federal ..... \$4,736,000

Appropriation:

General Fund—Federal ..... \$20,264,000

Prior Biennia (Expenditures) ..... \$0

Future Biennia (Projected Costs) ..... \$0

TOTAL ..... \$25,000,000

**NEW SECTION, Sec. 1030. FOR THE MILITARY DEPARTMENT**

Minor Works Preservation (30000560)

Appropriation:

General Fund—Federal ..... \$3,601,000

Prior Biennia (Expenditures) ..... \$0

Future Biennia (Projected Costs) ..... \$18,677,000

TOTAL ..... \$22,278,000

**NEW SECTION, Sec. 1031. FOR THE MILITARY DEPARTMENT**

Minor Works Program (30000561)

Appropriation:

General Fund—Federal ..... \$9,958,000

Prior Biennia (Expenditures) ..... \$0

Future Biennia (Projected Costs) ..... \$59,273,000

TOTAL ..... \$69,231,000

**PART 2  
HUMAN SERVICES**

**NEW SECTION, Sec. 2001. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Minor Works Preservation: Facilities Preservation (30001291)

Appropriation:

Charitable, Educational, Penal and Reformatory

Institutions Account—State ..... \$1,214,000

Prior Biennia (Expenditures) ..... \$0

Future Biennia (Projected Costs) ..... \$0

TOTAL ..... \$1,214,000

**NEW SECTION, Sec. 2002. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Frances Haddon Morgan Center (91000014)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the department of social and health services to develop a redesign with options for the future use of the

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Frances Haddon Morgan Center site, including the permanent use of the property to support housing or other services for low-income, disabled, or vulnerable persons. The predesign shall be delivered to the house of representatives fiscal committees and the senate ways and means committee by December 31, 2011. This predesign shall not delay any activities associated with ceasing to operate the facility as a residential habilitation center after December 31, 2012. On and after January 1, 2013, the Frances Haddon Morgan Center property must remain either in public ownership, or may be sold or leased for a nominal amount to a nonprofit organization for the permanent use of the property to support housing or other services for low-income, disabled, or vulnerable persons.

**Appropriation:**

Charitable, Educational, Penal and Reformatory Institutions Account—State . . . . .	\$150,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$150,000

**NEW SECTION. Sec. 2003. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Yakima Valley School (91000016)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the department of social and health services to develop a predesign with options for the future use of the Yakima Valley School site, including the permanent use of the property to support housing or other services for low-income, disabled, or vulnerable persons. The predesign shall be delivered to the house of representatives fiscal committees and the senate ways and means committee by December 31, 2011. This predesign shall not delay any activities associated with ceasing to operate the facility as a residential habilitation center after December 31, 2012. On and after January 1, 2013, the Yakima Valley School property must remain either in public ownership, or may be sold or leased for a nominal amount to a nonprofit organization for the permanent use of the property to support housing or other services for low-income, disabled, or vulnerable persons.

**Appropriation:**

Charitable, Educational, Penal and Reformatory Institutions Account—State . . . . .	\$150,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$150,000

**NEW SECTION. Sec. 2004. FOR THE DEPARTMENT OF HEALTH**  
Drinking Water Assistance Program (20064001)

**Reappropriation:**

Drinking Water Assistance Account—Federal . . . . .	\$16,652,000
Prior Biennia (Expenditures) . . . . .	\$77,944,000



Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$94,596,000

**NEW SECTION. Sec. 2005. FOR THE DEPARTMENT OF HEALTH**  
 Drinking Water Assistance Program (30000013)

Reappropriation:

Drinking Water Assistance Account—Federal . . . . . \$38,348,000  
 Drinking Water Assistance Account—Federal  
     Stimulus . . . . . \$9,373,000  
 Subtotal Reappropriation . . . . . \$47,721,000

Appropriation:

Drinking Water Assistance Account—Federal . . . . . \$49,868,000  
 Prior Biennia (Expenditures) . . . . . \$29,089,000  
 Future Biennia (Projected Costs) . . . . . \$199,472,000  
 TOTAL . . . . . \$326,150,000

**NEW SECTION. Sec. 2006. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

Minor Works Preservation: Facilities Preservation (90000001)

Appropriation:

Charitable, Educational, Penal and Reformatory  
     Institutions Account—State . . . . . \$2,722,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$7,728,000  
 TOTAL . . . . . \$10,450,000

**NEW SECTION. Sec. 2007. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

Labor and Industries Building Repairs and Renewal (30000014)

Appropriation:

Accident Account—State . . . . . \$284,000  
 Medical Aid Account—State . . . . . \$283,000  
 Subtotal Appropriation . . . . . \$567,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$567,000

**PART 3  
 NATURAL RESOURCES**

**NEW SECTION. Sec. 3001. FOR THE DEPARTMENT OF ECOLOGY**

Low-Level Nuclear Waste Disposal Trench Closure (19972012)

Reappropriation:

Site Closure Account—State . . . . . \$12,052,000  
 Prior Biennia (Expenditures) . . . . . \$3,381,000

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Future Biennia (Projected Costs)..... \$0  
TOTAL..... \$15,433,000

**NEW SECTION. Sec. 3002. FOR THE DEPARTMENT OF ECOLOGY**

State Drought Preparedness (20054009)

Reappropriation:

State Drought Preparedness Account—State..... \$300,000  
Prior Biennia (Expenditures)..... \$15,052,000  
Future Biennia (Projected Costs)..... \$0  
TOTAL..... \$15,352,000

**NEW SECTION. Sec. 3003. FOR THE DEPARTMENT OF ECOLOGY**

Motor Vehicle Mercury Removal Program (20062850)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 137, chapter 371, Laws of 2006.

Reappropriation:

State Toxics Control Account—State..... \$250,000  
Prior Biennia (Expenditures)..... \$750,000  
Future Biennia (Projected Costs)..... \$0  
TOTAL..... \$1,000,000

**NEW SECTION. Sec. 3004. FOR THE DEPARTMENT OF ECOLOGY**

Water Pollution Control Revolving Account (20064002)

Reappropriation:

Water Pollution Control Revolving Account—State..... \$11,025,000  
Water Pollution Control Revolving Account—Federal..... \$8,825,000  
Subtotal Reappropriation..... \$19,850,000  
Prior Biennia (Expenditures)..... \$219,766,000  
Future Biennia (Projected Costs)..... \$0  
TOTAL..... \$239,616,000

**NEW SECTION. Sec. 3005. FOR THE DEPARTMENT OF ECOLOGY**

Centennial Clean Water Program (20064007)

Reappropriation:

Water Quality Capital Account—State..... \$502,000  
Prior Biennia (Expenditures)..... \$22,448,000  
Future Biennia (Projected Costs)..... \$0  
TOTAL..... \$22,950,000

**NEW SECTION. Sec. 3006. FOR THE DEPARTMENT OF ECOLOGY**

Puget Sound Aquatic Cleanup and Restoration (20084004)

Reappropriation:

State Toxics Control Account—State . . . . .	\$1,267,000
Prior Biennia (Expenditures) . . . . .	\$3,733,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$5,000,000

**NEW SECTION. Sec. 3007. FOR THE DEPARTMENT OF ECOLOGY**

Centennial Clean Water Program (20084010)

Reappropriation:

Water Quality Capital Account—State . . . . .	\$1,024,000
Prior Biennia (Expenditures) . . . . .	\$7,432,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$8,456,000

**NEW SECTION. Sec. 3008. FOR THE DEPARTMENT OF ECOLOGY**

Water Pollution Control Loan Program (20084011)

Reappropriation:

Water Pollution Control Revolving Account—State . . . . .	\$18,878,000
Water Pollution Control Revolving Account—Federal . . . . .	\$21,988,000
Subtotal Reappropriation . . . . .	\$40,866,000
Prior Biennia (Expenditures) . . . . .	\$99,134,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$140,000,000

**NEW SECTION. Sec. 3009. FOR THE DEPARTMENT OF ECOLOGY**

Mason County Consortium (20084851)

Reappropriation:

State Toxics Control Account—State . . . . .	\$500,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$500,000

**NEW SECTION. Sec. 3010. FOR THE DEPARTMENT OF ECOLOGY**

Water Pollution Control Revolving Fund Program (30000007)

Reappropriation:

Water Pollution Control Revolving Account—State . . . . .	\$48,342,000
Water Pollution Control Revolving Account—Federal . . . . .	\$39,475,000
Water Pollution Control Revolving Account—Federal Stimulus . . . . .	\$18,050,000
Subtotal Reappropriation . . . . .	\$105,867,000
Prior Biennia (Expenditures) . . . . .	\$72,833,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$178,700,000

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**NEW SECTION. Sec. 3011. FOR THE DEPARTMENT OF ECOLOGY**

Cleanup and Prevention of Waste Tire Piles (30000012)

Reappropriation:

Waste Tire Removal Account—State . . . . .	\$100,000
Prior Biennia (Expenditures) . . . . .	\$900,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1,000,000

**NEW SECTION. Sec. 3012. FOR THE DEPARTMENT OF ECOLOGY**

Safe Soils Remediation Program (30000019)

Reappropriation:

Cleanup Settlement Account—State . . . . .	\$1,520,000
Prior Biennia (Expenditures) . . . . .	\$769,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$2,289,000

**NEW SECTION. Sec. 3013. FOR THE DEPARTMENT OF ECOLOGY**

Skykomish Cleanup and Restoration (30000020)

Reappropriation:

Cleanup Settlement Account—State . . . . .	\$816,000
Prior Biennia (Expenditures) . . . . .	\$1,234,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$2,050,000

**NEW SECTION. Sec. 3014. FOR THE DEPARTMENT OF ECOLOGY**

Remedial Action Grant Program (30000039)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3006, chapter 36, Laws of 2010 1st sp. sess.

Reappropriation:

Local Toxics Control Account—State . . . . .	\$34,687,000
Prior Biennia (Expenditures) . . . . .	\$3,524,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$38,211,000

**NEW SECTION. Sec. 3015. FOR THE DEPARTMENT OF ECOLOGY**

Storm Water Retrofit and Low-Impact Development Grant Program (30000097)

The reappropriations in this section are subject to the following terms and conditions: The reappropriation is subject to the provisions of section 3005, chapter 36, Laws of 2010 1st sp. sess.

Reappropriation:

State and Local Improvements Revolving Account—	
State .....	\$1,284,000
State and Local Improvements Revolving Account—	
Waste Facilities 1980—State .....	\$325,000
State Toxics Control Account—State .....	\$15,343,000
Local Toxics Control Account—State .....	\$6,080,000
Subtotal Reappropriation .....	\$23,032,000
Prior Biennia (Expenditures) .....	\$1,243,000
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$24,275,000

**NEW SECTION. Sec. 3016. FOR THE DEPARTMENT OF ECOLOGY**

Reducing Diesel Particle Emissions in Tacoma (30000139)

Reappropriation:

Air Pollution Control Account—State .....	\$996,000
Prior Biennia (Expenditures) .....	\$4,000
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$1,000,000

**NEW SECTION. Sec. 3017. FOR THE DEPARTMENT OF ECOLOGY**

Diesel Emissions Reduction (91000003)

Reappropriation:

General Fund—Federal ARRA .....	\$380,000
Prior Biennia (Expenditures) .....	\$1,350,000
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$1,730,000

**NEW SECTION. Sec. 3018. FOR THE DEPARTMENT OF ECOLOGY**

Diesel Emissions Reduction (91000024)

Reappropriation:

General Fund—Federal .....	\$347,000
Prior Biennia (Expenditures) .....	\$6,000
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$353,000

**NEW SECTION. Sec. 3019. FOR THE DEPARTMENT OF ECOLOGY**

Reducing Wood Smoke Particle Emissions in Tacoma (30000140)

Reappropriation:

Air Pollution Control Account—State .....	\$300,000
Prior Biennia (Expenditures) .....	\$300,000
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$600,000

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**NEW SECTION. Sec. 3020. FOR THE DEPARTMENT OF ECOLOGY**

Water Pollution Control Revolving Fund Program (30000142)

Reappropriation:

Water Pollution Control Revolving Account—State . . . . .	\$23,750,000
Water Pollution Control Revolving Account—Federal . . . . .	\$11,400,000
Subtotal Reappropriation . . . . .	\$35,150,000
Prior Biennia (Expenditures) . . . . .	\$1,850,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$37,000,000

**NEW SECTION. Sec. 3021. FOR THE DEPARTMENT OF ECOLOGY**

Clean Up Toxic Sites - Puget Sound (30000144)

The reappropriation in this section is subject to the following conditions and limitations: Up to \$17,500,000 of the cleanup settlement account—state appropriation may be used for cleanup activities associated with the Asarco contamination in Everett.

Reappropriation:

Cleanup Settlement Account—State . . . . .	\$18,300,000
State Toxics Control Account—State . . . . .	\$20,495,000
Subtotal Reappropriation . . . . .	\$38,795,000
Prior Biennia (Expenditures) . . . . .	\$1,892,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$40,687,000

**NEW SECTION. Sec. 3022. FOR THE DEPARTMENT OF ECOLOGY**

Settlement Funding To Clean Up Toxic Sites (30000145)

Reappropriation:

Cleanup Settlement Account—State . . . . .	\$7,502,000
Prior Biennia (Expenditures) . . . . .	\$998,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$8,500,000

**NEW SECTION. Sec. 3023. FOR THE DEPARTMENT OF ECOLOGY**

Leaking Underground Tanks (91000002)

Reappropriation:

General Fund—Federal Stimulus . . . . .	\$1,118,000
Prior Biennia (Expenditures) . . . . .	\$2,382,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$3,500,000

**NEW SECTION. Sec. 3024. FOR THE DEPARTMENT OF ECOLOGY**

Centennial Clean Water Program (30000208)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,500,000 of the appropriation is provided solely to the city of Snohomish to implement the near-term wastewater treatment plant improvement project required under agreed order No. 7973 between the department of ecology and the city.

(2) \$3,500,000 of the appropriation is provided solely for a grant for the Freeland sewer project.

(3) \$540,000 of the appropriation is provided solely for the city of Connell's Klindworth Campbell waterline distribution project.

(4) \$600,000 of the appropriation is provided solely for a grant for the town of Mabton's wastewater treatment project.

(5) For projects involving repair, replacement, or improvement of a wastewater treatment plant or other public works facility for which an investment grade audit is obtainable, the department of ecology must require as a contract condition that the project sponsor undertake an investment grade audit. The project sponsor may finance the costs of the audit as part of its centennial clean water program grant.

Appropriation:

State Toxics Control Account—State . . . . .	\$34,100,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$34,100,000

**NEW SECTION. Sec. 3025. FOR THE DEPARTMENT OF ECOLOGY**

Water Pollution Control Revolving Fund Program (30000209)

The appropriations in this section are subject to the following conditions and limitations: For projects involving repair, replacement, or improvement of a wastewater treatment plant or other public works facility for which an investment grade audit is obtainable, the department of ecology must require as a contract condition that the project sponsor undertake an investment grade audit. The project sponsor may finance the costs of the audit as part of its water pollution control revolving fund program loan.

Appropriation:

Water Pollution Control Revolving Account—State . . . . .	\$102,000,000
Water Pollution Control Revolving Account—Federal. . . . .	\$82,205,000
Subtotal Appropriation . . . . .	\$184,205,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$736,820,000
TOTAL . . . . .	\$921,025,000

**NEW SECTION. Sec. 3026. FOR THE DEPARTMENT OF ECOLOGY**

Waste Tire Pile Prevention and Cleanup (30000210)

Appropriation:

Waste Tire Removal Account—State . . . . .	\$1,000,000
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Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1,000,000

**NEW SECTION. Sec. 3027. FOR THE DEPARTMENT OF ECOLOGY**

Wood Stove Pollution Reduction (30000211)

Appropriation:

Local Toxics Control Account—State . . . . .	\$3,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$4,000,000
TOTAL . . . . .	\$7,000,000

**NEW SECTION. Sec. 3028. FOR THE DEPARTMENT OF ECOLOGY**

Diesel Emissions Reduction (30000212)

Appropriation:

Local Toxics Control Account—State . . . . .	\$7,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$5,000,000
TOTAL . . . . .	\$12,000,000

**NEW SECTION. Sec. 3029. FOR THE DEPARTMENT OF ECOLOGY**

Coordinated Prevention Grants (30000214)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$4,000,000 of the appropriation is provided solely for grants to local governments for local waste and pollution prevention projects. Grants shall fund new organics composting and conversion, green building, and moderate risk waste initiatives described in the state "beyond waste" plan.

(2) Up to \$2,000,000 of the appropriation may be used for grants to local governments to provide alternatives to backyard burning of organic materials. Priority for these grants shall be given to: (a) Urban growth areas of less than 5,000 people affected by the January 1, 2007, ban on outdoor burning; (b) projects that develop infrastructure for an ongoing program; and (c) projects that coordinate regionally.

Appropriation:

Local Toxics Control Account—State . . . . .	\$28,610,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$114,440,000
TOTAL . . . . .	\$143,050,000

**NEW SECTION. Sec. 3030. FOR THE DEPARTMENT OF ECOLOGY**

Hood Canal Regional Septic Repair Loan Program (30000215)



Appropriation:

General Fund—Federal . . . . .	\$2,500,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$2,500,000

**NEW SECTION. Sec. 3031. FOR THE DEPARTMENT OF ECOLOGY**

Remedial Action Grant Program (30000216)

Appropriation:

Local Toxics Control Account—State . . . . .	\$63,834,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$11,235,000
TOTAL . . . . .	\$75,069,000

**NEW SECTION. Sec. 3032. FOR THE DEPARTMENT OF ECOLOGY**

Eastern Washington Clean Sites Initiative (30000217)

Appropriation:

State Toxics Control Account—State . . . . .	\$6,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$6,000,000

**NEW SECTION. Sec. 3033. FOR THE DEPARTMENT OF ECOLOGY**

Burlington Northern Santa Fe Skykomish Restoration (30000218)

Appropriation:

Cleanup Settlement Account—State . . . . .	\$284,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$284,000

**NEW SECTION. Sec. 3034. FOR THE DEPARTMENT OF ECOLOGY**

Safe Soils Remediation Program - Central Washington (30000263)

Appropriation:

State Toxics Control Account—State . . . . .	\$3,711,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$3,711,000

**NEW SECTION. Sec. 3035. FOR THE DEPARTMENT OF ECOLOGY**

Swift Creek Natural Asbestos Cleanup (30000015)

Appropriation:

General Fund—Federal . . . . .	\$1,000,000
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Prior Biennia (Expenditures) . . . . . \$0  
Future Biennia (Projected Costs) . . . . . \$0  
TOTAL . . . . . \$1,000,000

**NEW SECTION. Sec. 3036. FOR THE DEPARTMENT OF ECOLOGY**

Clean Up Toxics Sites - Puget Sound (30000265)

**Appropriation:**

Local Toxics Control Account—State . . . . . \$16,400,000  
Prior Biennia (Expenditures) . . . . . \$0  
Future Biennia (Projected Costs) . . . . . \$11,248,000  
TOTAL . . . . . \$27,648,000

**NEW SECTION. Sec. 3037. FOR THE DEPARTMENT OF ECOLOGY**

ASARCO - Tacoma Smelter Plume and Mines (30000280)

**Appropriation:**

Cleanup Settlement Account—State . . . . . \$20,647,000  
Prior Biennia (Expenditures) . . . . . \$0  
Future Biennia (Projected Costs) . . . . . \$0  
TOTAL . . . . . \$20,647,000

**NEW SECTION. Sec. 3038. FOR THE DEPARTMENT OF ECOLOGY**

Padilla Bay Boat Launch (30000281)

**Appropriation:**

General Fund—Federal . . . . . \$320,000  
Prior Biennia (Expenditures) . . . . . \$0  
Future Biennia (Projected Costs) . . . . . \$0  
TOTAL . . . . . \$320,000

**NEW SECTION. Sec. 3039. FOR THE DEPARTMENT OF ECOLOGY**

Padilla Bay Federal Capital Projects (30000282)

**Appropriation:**

General Fund—Federal . . . . . \$800,000  
Prior Biennia (Expenditures) . . . . . \$0  
Future Biennia (Projected Costs) . . . . . \$0  
TOTAL . . . . . \$800,000

**NEW SECTION. Sec. 3040. FOR THE DEPARTMENT OF ECOLOGY**

Coastal Wetlands Federal Funds Administration (30000283)

**Appropriation:**

General Fund—Federal . . . . . \$23,200,000  
Prior Biennia (Expenditures) . . . . . \$0  
Future Biennia (Projected Costs) . . . . . \$40,000,000

TOTAL . . . . . \$63,200,000

**NEW SECTION. Sec. 3041. FOR THE DEPARTMENT OF ECOLOGY**

Statewide Storm Water Projects (30000294)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for construction projects or design/construction projects statewide that result in the greatest improvements necessary to meet national pollution discharge elimination system requirements for communities least able to pay for those projects or for jurisdictions who are early adopters of new regulations and effective new technology. The department must develop specific evaluative criteria to award grants on a competitive basis to projects that meet the policy objectives in this section, demonstrate readiness to proceed and have a minimum cash match of twenty-five percent.

Appropriation:

Local Toxics Control Account—State . . . . . \$30,000,000  
Prior Biennia (Expenditures) . . . . . \$0  
Future Biennia (Projected Costs) . . . . . \$0  
TOTAL . . . . . \$30,000,000

**NEW SECTION. Sec. 3042. FOR THE STATE PARKS AND RECREATION COMMISSION**

Rocky Reach - Chelan County Public Utility District (20061023)

Reappropriation:

Parks Renewal and Stewardship Account—Private/  
Local . . . . . \$500,000  
Prior Biennia (Expenditures) . . . . . \$0  
Future Biennia (Projected Costs) . . . . . \$0  
TOTAL . . . . . \$500,000

**NEW SECTION. Sec. 3043. FOR THE STATE PARKS AND RECREATION COMMISSION**

Ike Kinswa State Park Improvement (20082950)

Reappropriation:

Parks Renewal and Stewardship Account—Private/  
Local . . . . . \$500,000  
Prior Biennia (Expenditures) . . . . . \$0  
Future Biennia (Projected Costs) . . . . . \$0  
TOTAL . . . . . \$500,000

**NEW SECTION. Sec. 3044. FOR THE STATE PARKS AND RECREATION COMMISSION**

Clean Vessel Boating Pumpout Grants (30000665)

Appropriation:

General Fund—Federal . . . . . \$3,300,000  
Prior Biennia (Expenditures) . . . . . \$0  
Future Biennia (Projected Costs) . . . . . \$12,000,000

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TOTAL . . . . . \$15,300,000

**NEW SECTION. Sec. 3045. FOR THE STATE PARKS AND RECREATION COMMISSION**

Parkland Account Authority (91000016)

The appropriation in this section is subject to the following conditions and limitations: The state parks and recreation commission shall provide lists of potential purchases and sales to the office of financial management and the appropriate policy and fiscal committees of the legislature prior to committing the state parks and recreation commission to any sale or purchase of land or buildings and prior to any allotments made for those purchases. The list shall include any potential operating or capital cost impacts known to the state parks and recreation commission.

Appropriation:

Parkland Acquisition Account—State . . . . . \$2,000,000  
Prior Biennia (Expenditures) . . . . . \$0  
Future Biennia (Projected Costs) . . . . . \$0  
TOTAL . . . . . \$2,000,000

**NEW SECTION. Sec. 3046. FOR THE STATE PARKS AND RECREATION COMMISSION**

Federal Grant Authority (30000768)

Appropriation:

General Fund—Federal . . . . . \$750,000  
Prior Biennia (Expenditures) . . . . . \$0  
Future Biennia (Projected Costs) . . . . . \$3,000,000  
TOTAL . . . . . \$3,750,000

**NEW SECTION. Sec. 3047. FOR THE STATE PARKS AND RECREATION COMMISSION**

Local Grant Authority (30000769)

Appropriation:

Parks Renewal and Stewardship Account—Private/  
Local . . . . . \$750,000  
Prior Biennia (Expenditures) . . . . . \$0  
Future Biennia (Projected Costs) . . . . . \$3,000,000  
TOTAL . . . . . \$3,750,000

**NEW SECTION. Sec. 3048. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Salmon Recovery Funding Board Programs (20044001)

Reappropriation:

General Fund—Federal . . . . . \$6,892,000  
Prior Biennia (Expenditures) . . . . . \$27,483,000  
Future Biennia (Projected Costs) . . . . . \$0  
TOTAL . . . . . \$34,375,000

**NEW SECTION. Sec. 3049. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Salmon Recovery Funding Board Programs (20064001)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 403, chapter 488, Laws of 2005.

Reappropriation:

General Fund—Federal . . . . .	\$11,045,000
Prior Biennia (Expenditures) . . . . .	\$32,955,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$44,000,000

**NEW SECTION. Sec. 3050. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Boating Facilities Program (20064003)

Reappropriation:

Recreation Resources Account—State . . . . .	\$377,000
Prior Biennia (Expenditures) . . . . .	\$6,894,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$7,271,000

**NEW SECTION. Sec. 3051. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Nonhighway and Off-Road Vehicle Activities Program (20064004)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 170, chapter 371, Laws of 2006.

Reappropriation:

NOVA Program Account—State . . . . .	\$986,000
Prior Biennia (Expenditures) . . . . .	\$6,593,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$7,579,000

**NEW SECTION. Sec. 3052. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Boating Facilities Program (20084001)

Reappropriation:

Recreation Resources Account—State . . . . .	\$2,620,000
Prior Biennia (Expenditures) . . . . .	\$5,401,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$8,021,000

**NEW SECTION. Sec. 3053. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Firearms and Archery Range Recreation (20084003)

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Reappropriation:

Firearms Range Account—State . . . . .	\$284,000
Prior Biennia (Expenditures) . . . . .	\$188,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$472,000

**NEW SECTION. Sec. 3054. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Nonhighway and Off-Road Vehicle Activities Program (20084008)

Reappropriation:

NOVA Program Account—State . . . . .	\$3,534,000
Prior Biennia (Expenditures) . . . . .	\$5,502,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$9,036,000

**NEW SECTION. Sec. 3055. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Salmon Recovery Funding Board Programs (20084851)

Reappropriation:

General Fund—Federal . . . . .	\$11,591,000
Prior Biennia (Expenditures) . . . . .	\$30,409,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$42,000,000

**NEW SECTION. Sec. 3056. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Salmon Recovery Funding Board Programs (30000003)

Reappropriation:

General Fund—Federal . . . . .	\$52,015,000
Prior Biennia (Expenditures) . . . . .	\$7,985,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$60,000,000

**NEW SECTION. Sec. 3057. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Land and Water Conservation Fund (30000005)

Reappropriation:

General Fund—Federal . . . . .	\$3,877,000
Prior Biennia (Expenditures) . . . . .	\$123,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$4,000,000

**NEW SECTION. Sec. 3058. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Aquatic Lands Enhancement Account (30000007)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely for the list of projects in LEAP capital document No. 2009-3, developed March 9, 2009.

Reappropriation:

Aquatic Lands Enhancement Account—State . . . . .	\$1,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1,000,000

**NEW SECTION. Sec. 3059. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Firearms and Archery Range Recreation (30000009)

Reappropriation:

Firearms Range Account—State . . . . .	\$419,000
Prior Biennia (Expenditures) . . . . .	\$76,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$495,000

**NEW SECTION. Sec. 3060. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Boating Improvement Grants (30000010)

Reappropriation:

General Fund—Federal . . . . .	\$948,000
Prior Biennia (Expenditures) . . . . .	\$52,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1,000,000

**NEW SECTION. Sec. 3061. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

National Recreational Trails Program (30000012)

Reappropriation:

General Fund—Federal . . . . .	\$3,045,000
Prior Biennia (Expenditures) . . . . .	\$955,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$4,000,000

**NEW SECTION. Sec. 3062. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Salmon Recovery Funding Board Programs (30000140)

Appropriation:

General Fund—Federal . . . . .	\$60,000,000
Salmon Recovery Account—State . . . . .	\$62,000
Subtotal Appropriation . . . . .	\$60,062,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$240,248,000
TOTAL . . . . .	\$300,310,000

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**NEW SECTION. Sec. 3063. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Land and Water Conservation Fund (30000142)

Appropriation:

General Fund—Federal . . . . .	\$4,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$16,000,000
TOTAL . . . . .	\$20,000,000

**NEW SECTION. Sec. 3064. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Firearms and Archery Range Recreation (30000144)

Appropriation:

Firearms Range Account—State . . . . .	\$365,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$1,412,000
TOTAL . . . . .	\$1,777,000

**NEW SECTION. Sec. 3065. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Boating Improvement Grants (30000145)

Appropriation:

General Fund—Federal . . . . .	\$2,100,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$8,000,000
TOTAL . . . . .	\$10,100,000

**NEW SECTION. Sec. 3066. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Boating Facilities Program (30000138)

Appropriation:

Recreation Resources Account—State . . . . .	\$8,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$32,000,000
TOTAL . . . . .	\$40,000,000

**NEW SECTION. Sec. 3067. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Nonhighway and Off-Road Vehicle Activities Program (30000141)

The appropriation in this section is subject to the following conditions and limitations: The board shall work with its existing stakeholder groups to suggest priorities and procedures for the use of any funds diverted during the 2009-2011 biennium which in future years might be restored to the program. Established allocations among recreation users shall be respected. Special consideration shall be given to funding of the Reiter Foothills forest recreation motorized trail system, recreation projects of statewide significance, or recreation projects that would enhance destination facilities.



Appropriation:

NOVA Program Account—State . . . . .	\$5,500,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$22,000,000
TOTAL . . . . .	\$27,500,000

**NEW SECTION. Sec. 3068. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Recreational Trails Program (30000146)

Appropriation:

General Fund—Federal . . . . .	\$5,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$20,000,000
TOTAL . . . . .	\$25,000,000

**NEW SECTION. Sec. 3069. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Family Forest Fish Passage Program (30000203)

Appropriation:

General Fund—Federal . . . . .	\$15,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$30,000,000
TOTAL . . . . .	\$45,000,000

**NEW SECTION. Sec. 3070. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Aquatic Lands Enhancement Account (30000143)

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for the list of projects in LEAP capital document No. 2011-3B, developed April 6, 2011.

Appropriation:

Aquatic Lands Enhancement Account—State . . . . .	\$6,806,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$6,806,000

**NEW SECTION. Sec. 3071. FOR THE STATE CONSERVATION COMMISSION**

Conservation Reserve Enhancement Program - Practice Incentive Payment Loan Program (30000005)

Reappropriation:

Conservation Assistance Revolving Account—State . . . . .	\$259,000
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Appropriation:

Conservation Assistance Revolving Account—State . . . . .	\$150,000
Prior Biennia (Expenditures) . . . . .	\$141,000
Future Biennia (Projected Costs) . . . . .	\$600,000

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TOTAL . . . . . \$1,150,000

**NEW SECTION. Sec. 3072. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Puget Sound Initiative - Nearshore Salmon Restoration (20062001)

Reappropriation:

General Fund—Federal . . . . . \$945,000  
 Prior Biennia (Expenditures) . . . . . \$855,000  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$1,800,000

**NEW SECTION. Sec. 3073. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Migratory Waterfowl Habitat (20082045)

Reappropriation:

State Wildlife Account—State . . . . . \$745,000

Appropriation:

State Wildlife Account—State . . . . . \$600,000  
 Prior Biennia (Expenditures) . . . . . \$505,000  
 Future Biennia (Projected Costs) . . . . . \$2,400,000  
 TOTAL . . . . . \$4,250,000

**NEW SECTION. Sec. 3074. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Puget Sound General Investigation for Nearshore Restoration (92000025)

Reappropriation:

State Toxics Control Account—State . . . . . \$1,023,000  
 Prior Biennia (Expenditures) . . . . . \$7,000  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$1,030,000

**NEW SECTION. Sec. 3075. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Mitigation Projects and Dedicated Funding (20082048)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations in this section are provided contingent upon the department providing advance notice to the appropriate fiscal committees of the legislature and the office of financial management before applying for federal grants for acquisition of fish and wildlife habitat lands. The department shall submit this information in the form of a report that explains the funding source, the match and use requirements, a description of the project that will be funded, and a description of future impacts to the operating budget.

Reappropriation:

General Fund—Federal . . . . . \$25,411,000  
 General Fund—Private/Local . . . . . \$4,802,000

Special Wildlife Account—Federal . . . . .	\$1,533,000
Special Wildlife Account—Private/Local . . . . .	\$1,209,000
Subtotal Reappropriation . . . . .	\$32,955,000

Appropriation:

General Fund—Federal . . . . .	\$30,600,000
General Fund—Private/Local . . . . .	\$2,500,000
State Wildlife Account—State . . . . .	\$500,000
Special Wildlife Account—Federal . . . . .	\$800,000
Special Wildlife Account—Private/Local . . . . .	\$1,450,000
Subtotal Appropriation . . . . .	\$35,850,000
Prior Biennia (Expenditures) . . . . .	\$30,170,000
Future Biennia (Projected Costs) . . . . .	\$121,000,000
TOTAL . . . . .	\$219,975,000

**NEW SECTION. Sec. 3076. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Mitchell Act Federal Grant (91000021)

Reappropriation:

General Fund—Federal . . . . .	\$3,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$3,000,000

**NEW SECTION. Sec. 3077. FOR THE PUGET SOUND PARTNERSHIP**

Community Partnership Restoration Grants (30000007)

Appropriation:

General Fund—Federal . . . . .	\$3,950,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$3,950,000

**NEW SECTION. Sec. 3078. FOR THE PUGET SOUND PARTNERSHIP**

Community Partnership Restoration Grants (30000008)

Reappropriation:

General Fund—Federal . . . . .	\$500,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$500,000

**NEW SECTION. Sec. 3079. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Land Acquisition Grants (20052021)

Reappropriation:

General Fund—Federal . . . . .	\$47,882,000
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Appropriation:

General Fund—Federal . . . . .	\$8,000,000
Prior Biennia (Expenditures) . . . . .	\$24,636,000
Future Biennia (Projected Costs) . . . . .	\$32,000,000
TOTAL . . . . .	\$112,518,000

**NEW SECTION. Sec. 3080. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Marine Station (20081015)

Reappropriation:

Resources Management Cost Account—State . . . . .	\$524,000
Prior Biennia (Expenditures) . . . . .	\$226,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$750,000

**NEW SECTION. Sec. 3081. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Forest Legacy (30000060)

Reappropriation:

General Fund—Federal . . . . .	\$6,524,000
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Appropriation:

General Fund—Federal . . . . .	\$5,000,000
Prior Biennia (Expenditures) . . . . .	\$2,476,000
Future Biennia (Projected Costs) . . . . .	\$20,000,000
TOTAL . . . . .	\$34,000,000

**NEW SECTION. Sec. 3082. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Hazardous Fuels Reduction, Forest Health, and Ecosystem Improvement (91000001)

Reappropriation:

General Fund—Federal Stimulus . . . . .	\$18,994,000
Prior Biennia (Expenditures) . . . . .	\$1,006,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$20,000,000

**NEW SECTION. Sec. 3083. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Elk River Estuarine Lands Acquisition (91000007)

Reappropriation:

General Fund—Federal . . . . .	\$1,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1,000,000

**NEW SECTION. Sec. 3084. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Minor Works: Preservation (30000202)

Appropriation:

Forest Development Account—State . . . . .	\$446,000
Resources Management Cost Account—State . . . . .	\$474,000
Subtotal Appropriation . . . . .	\$920,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$3,680,000
TOTAL . . . . .	\$4,600,000

**NEW SECTION. Sec. 3085. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Land Bank (30000205)

The appropriation in this section is subject to the following conditions and limitations: The department shall consult with an agricultural economist with expertise in the fruit growing sector at the Washington State University college of agriculture to review existing policy and recommend changes in the management of trust lands in agricultural production to increase long-term benefits to trust beneficiaries. A report of the review must be submitted to the appropriate committees of the legislature by December 1, 2011.

Appropriation:

Resources Management Cost Account—State . . . . .	\$25,000,000
Natural Resources Real Property Replacement Account—State . . . . .	\$50,000,000
Community and Technical College Forest Reserve Account—State . . . . .	\$500,000
Subtotal Appropriation . . . . .	\$75,500,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$302,000,000
TOTAL . . . . .	\$377,500,000

**PART 4 TRANSPORTATION**

**NEW SECTION. Sec. 4001. FOR THE WASHINGTON STATE PATROL**

Fire Training Academy Burn Building (91000003)

Appropriation:

Fire Service Training Account—State . . . . .	\$100,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$100,000

**NEW SECTION. Sec. 4002. FOR THE WASHINGTON STATE PATROL**

Fire Training Academy Burn Building Repairs (91000002)

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Reappropriation:

Fire Service Training Account—State . . . . .	\$300,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$300,000

**PART 5  
EDUCATION**

**NEW SECTION. Sec. 5001. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

2007-09 School Construction Assistance Grant Program (20084200)

The reappropriation in this section is subject to the following conditions and limitations: For school construction projects funded through the school construction assistance grant program, the superintendent of public instruction shall require mapping the design of new facilities and remapping the design of facilities to be remodeled.

Reappropriation:

Common School Construction Account—State . . . . .	\$15,260,000
Prior Biennia (Expenditures) . . . . .	\$776,499,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$791,759,000

**NEW SECTION. Sec. 5002. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

2009-11 School Construction Assistance Grant Program (30000031)

Reappropriation:

Common School Construction Account—State . . . . .	\$85,000,000
Prior Biennia (Expenditures) . . . . .	\$117,526,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$202,526,000

**NEW SECTION. Sec. 5003. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

2011-13 School Construction Assistance Program (30000071)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,337,000 of the common school construction account—state appropriation is provided solely for study and survey grants and for completing inventory and building condition assessments for all public school districts once every six years.

(2) In calculating square foot eligibility for state assistance grants, kindergarten student headcount shall not be reduced by fifty percent.

(3) \$952,000 of the common school construction account—state appropriation is provided solely for mapping the design of new facilities and remapping the design of facilities to be remodeled, for school construction projects funded through the school construction assistance program.

Appropriation:

Common School Construction Account—State . . . . .	\$314,960,000
Common School Construction Account—Federal . . . . .	\$600,000
Subtotal Appropriation . . . . .	\$315,560,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$1,351,581,000
TOTAL . . . . .	\$1,667,141,000

**NEW SECTION. Sec. 5004. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Capital Program Administration (30000095)

Appropriation:

Common School Construction Account—State . . . . .	\$3,851,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$16,111,000
TOTAL . . . . .	\$19,962,000

**NEW SECTION. Sec. 5005. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Pre-Disaster Mitigation Planning Grant (91000011)

Appropriation:

General Fund—Federal . . . . .	\$800,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$800,000

**NEW SECTION. Sec. 5006. FOR THE STATE SCHOOL FOR THE BLIND**

General Campus Preservation (30000018)

Appropriation:

Charitable, Educational, Penal and Reformatory Institutions Account—State . . . . .	\$550,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$2,557,000
TOTAL . . . . .	\$3,107,000

**NEW SECTION. Sec. 5007. FOR THE WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS**

Minor Public Works (30000013)

Appropriation:

Charitable, Educational, Penal and Reformatory Institutions Account—State . . . . .	\$536,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$3,811,000
TOTAL . . . . .	\$4,347,000

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**NEW SECTION. Sec. 5008. FOR THE UNIVERSITY OF WASHINGTON**

University of Washington Tacoma-Soils Remediation (20082852)

Reappropriation:

State Toxics Control Account—State . . . . .	\$1,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1,000,000

**NEW SECTION. Sec. 5009. FOR THE UNIVERSITY OF WASHINGTON**

University of Washington Tacoma-Land Acquisition (20092003)

Reappropriation:

University of Washington Building Account—State . . . . .	\$425,000
Prior Biennia (Expenditures) . . . . .	\$3,575,000
Future Biennia (Projected Costs) . . . . .	\$15,000,000
TOTAL . . . . .	\$19,000,000

**NEW SECTION. Sec. 5010. FOR THE UNIVERSITY OF WASHINGTON**

Safe Campus (30000022)

Reappropriation:

University of Washington Building Account—State . . . . .	\$500,000
Prior Biennia (Expenditures) . . . . .	\$7,500,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$8,000,000

**NEW SECTION. Sec. 5011. FOR THE UNIVERSITY OF WASHINGTON**

Minor Works: Facility Preservation (30000027)

Reappropriation:

University of Washington Building Account—State . . . . .	\$9,596,000
Prior Biennia (Expenditures) . . . . .	\$5,444,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$15,040,000

**NEW SECTION. Sec. 5012. FOR THE UNIVERSITY OF WASHINGTON**

University of Washington - Minor Capital Repairs (30000372)

Appropriation:

University of Washington Building Account—State . . . . .	\$27,801,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$30,000,000
TOTAL . . . . .	\$57,801,000

**NEW SECTION. Sec. 5013. FOR THE UNIVERSITY OF WASHINGTON**



Preventive Facility Maintenance and Building System Repairs (30000480)

Appropriation:

University of Washington Building Account—State . . . . .	\$25,825,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$103,300,000
TOTAL . . . . .	\$129,125,000

**NEW SECTION. Sec. 5014. FOR THE WASHINGTON STATE UNIVERSITY**

Washington State University Spokane - Riverpoint Biomedical and Health Sciences (20162953)

Appropriation:

Washington State University Building Account— State . . . . .	\$3,770,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$3,770,000

**NEW SECTION. Sec. 5015. FOR THE WASHINGTON STATE UNIVERSITY**

Minor Works: Preservation (30000065)

Reappropriation:

Washington State University Building Account—State . . . . .	\$687,000
Prior Biennia (Expenditures) . . . . .	\$1,538,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$2,225,000

**NEW SECTION. Sec. 5016. FOR THE WASHINGTON STATE UNIVERSITY**

Minor Works: Preservation (30000525)

Appropriation:

Washington State University Building Account—State . . . . .	\$24,315,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$89,960,000
TOTAL . . . . .	\$114,275,000

**NEW SECTION. Sec. 5017. FOR THE WASHINGTON STATE UNIVERSITY**

Clean Technology Laboratory (30000069)

Appropriation:

Washington State University Building Account— State . . . . .	\$2,500,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$61,213,000
TOTAL . . . . .	\$63,713,000

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**NEW SECTION. Sec. 5018. FOR THE WASHINGTON STATE UNIVERSITY**

Washington State University Pullman - Agricultural Animal Health Research Facility (30000514)

Appropriation:

Washington State University Building Account—	
State .....	\$250,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$23,096,000
TOTAL .....	\$23,346,000

**NEW SECTION. Sec. 5019. FOR THE WASHINGTON STATE UNIVERSITY**

Preventive Facility Maintenance and Building System Repairs (30000823)

Appropriation:

Washington State University Building Account—	
State .....	\$10,115,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$40,460,000
TOTAL .....	\$50,575,000

**NEW SECTION. Sec. 5020. FOR THE EASTERN WASHINGTON UNIVERSITY**

Minor Works: Facility Preservation (30000054)

Reappropriation:

Eastern Washington University Capital Projects	
Account—State .....	\$113,000
Prior Biennia (Expenditures) .....	\$2,887,000
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$3,000,000

**NEW SECTION. Sec. 5021. FOR THE EASTERN WASHINGTON UNIVERSITY**

Minor Works: Program (30000056)

Reappropriation:

Eastern Washington University Capital Projects	
Account—State .....	\$1,153,000
Prior Biennia (Expenditures) .....	\$2,153,000
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$3,306,000

**NEW SECTION. Sec. 5022. FOR THE EASTERN WASHINGTON UNIVERSITY**

Minor Works: Preservation (30000427)

Appropriation:

Eastern Washington University Capital Projects	
Account—State .....	\$9,205,000

Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$9,205,000

**NEW SECTION. Sec. 5023. FOR THE EASTERN WASHINGTON UNIVERSITY**

Preventive Facility Maintenance and Building System Repairs (30000431)

Appropriation:

Eastern Washington University Capital Projects  
 Account—State . . . . . \$2,217,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$8,868,000  
 TOTAL . . . . . \$11,085,000

**NEW SECTION. Sec. 5024. FOR THE CENTRAL WASHINGTON UNIVERSITY**

Minor Works: Health, Safety, and Code Requirements (30000002)

Reappropriation:

Central Washington University Capital Projects  
 Account—State . . . . . \$130,000  
 Prior Biennia (Expenditures) . . . . . \$570,000  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$700,000

**NEW SECTION. Sec. 5025. FOR THE CENTRAL WASHINGTON UNIVERSITY**

Minor Works: Infrastructure Preservation (30000009)

Reappropriation:

Central Washington University Capital Projects  
 Account—State . . . . . \$1,100,000  
 Prior Biennia (Expenditures) . . . . . \$1,039,000  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$2,139,000

**NEW SECTION. Sec. 5026. FOR THE CENTRAL WASHINGTON UNIVERSITY**

Minor Works: Facility Preservation (30000016)

Reappropriation:

Central Washington University Capital Projects  
 Account—State . . . . . \$1,244,000  
 Prior Biennia (Expenditures) . . . . . \$1,366,000  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$2,610,000

**NEW SECTION. Sec. 5027. FOR THE CENTRAL WASHINGTON UNIVERSITY**

Minor Works Preservation: Preservation (30000444)

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Appropriation:

Central Washington University Capital Projects Account—State . . . . .	\$7,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$10,000,000
TOTAL . . . . .	\$17,000,000

**\*NEW SECTION. Sec. 5028. FOR THE CENTRAL WASHINGTON UNIVERSITY  
Combined Utilities (30000448)**

Appropriation:

State Building Construction Account—State . . . . .	\$273,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$273,000

\*Sec. 5028 was vetoed. See message at end of chapter.

**NEW SECTION. Sec. 5029. FOR THE CENTRAL WASHINGTON UNIVERSITY**

Preventive Facility Maintenance and Building System Repairs (30000463)

Appropriation:

Central Washington University Capital Projects Account—State . . . . .	\$2,422,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$9,688,000
TOTAL . . . . .	\$12,110,000

**NEW SECTION. Sec. 5030. FOR THE EVERGREEN STATE COLLEGE**

Minor Works Preservation (30000003)

Reappropriation:

The Evergreen State College Capital Projects Account—State . . . . .	\$116,000
Prior Biennia (Expenditures) . . . . .	\$402,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$518,000

**NEW SECTION. Sec. 5031. FOR THE EVERGREEN STATE COLLEGE**

Minor Works: Health, Safety, Code Compliance (30000016)

Reappropriation:

The Evergreen State College Capital Projects Account—State . . . . .	\$63,000
Prior Biennia (Expenditures) . . . . .	\$499,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$562,000

**NEW SECTION. Sec. 5032. FOR THE EVERGREEN STATE COLLEGE**

Laboratory and Art Annex Building Renovation (30000026)

Reappropriation:

The Evergreen State College Capital Projects	
Account—State. . . . .	\$1,834,000
Prior Biennia (Expenditures) . . . . .	\$3,015,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$4,849,000

**NEW SECTION. Sec. 5033. FOR THE EVERGREEN STATE COLLEGE**

Preservation (30000051)

Appropriation:

The Evergreen State College Capital Projects	
Account—State. . . . .	\$6,935,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$21,940,000
TOTAL . . . . .	\$28,875,000

**NEW SECTION. Sec. 5034. FOR THE EVERGREEN STATE COLLEGE**

Communications Laboratory Building Preservation and Renovation (30000002)

Appropriation:

The Evergreen State College Capital Projects	
Account—State. . . . .	\$1,030,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1,030,000

**NEW SECTION. Sec. 5035. FOR THE EVERGREEN STATE COLLEGE**

Preventive Facility Maintenance and Building System Repairs (30000502)

Appropriation:

The Evergreen State College Capital Projects	
Account—State. . . . .	\$760,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$3,040,000
TOTAL . . . . .	\$3,800,000

**NEW SECTION. Sec. 5036. FOR THE EVERGREEN STATE COLLEGE**

Lecture Hall Remodel Predesign (30000493)

Appropriation:

The Evergreen State College Capital Projects	
Account—State. . . . .	\$300,000

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Prior Biennia (Expenditures) . . . . . \$0  
Future Biennia (Projected Costs) . . . . . \$10,540,000  
TOTAL . . . . . \$10,840,000

**NEW SECTION. Sec. 5037. FOR THE WESTERN WASHINGTON UNIVERSITY**

Minor Works: Program (30000007)

**Reappropriation:**

Western Washington University Capital Projects  
Account—State . . . . . \$638,000  
  
Prior Biennia (Expenditures) . . . . . \$2,362,000  
Future Biennia (Projected Costs) . . . . . \$0  
TOTAL . . . . . \$3,000,000

**NEW SECTION. Sec. 5038. FOR THE WESTERN WASHINGTON UNIVERSITY**

Network Infrastructure/Switches (30000011)

**Reappropriation:**

Western Washington University Capital Projects  
Account—State . . . . . \$834,000  
  
Prior Biennia (Expenditures) . . . . . \$3,782,000  
Future Biennia (Projected Costs) . . . . . \$0  
TOTAL . . . . . \$4,616,000

**NEW SECTION. Sec. 5039. FOR THE WESTERN WASHINGTON UNIVERSITY**

Classroom and Lab Upgrades (30000425)

**Appropriation:**

Western Washington University Capital Projects  
Account—State . . . . . \$2,313,000  
  
Prior Biennia (Expenditures) . . . . . \$0  
Future Biennia (Projected Costs) . . . . . \$0  
TOTAL . . . . . \$2,313,000

**NEW SECTION. Sec. 5040. FOR THE WESTERN WASHINGTON UNIVERSITY**

Minor Works: Preservation (30000431)

**Appropriation:**

Western Washington University Capital Projects  
Account—State . . . . . \$8,264,000  
  
Prior Biennia (Expenditures) . . . . . \$0  
Future Biennia (Projected Costs) . . . . . \$16,600,000  
TOTAL . . . . . \$24,864,000

**NEW SECTION. Sec. 5041. FOR THE WESTERN WASHINGTON UNIVERSITY**

Preventive Facility Maintenance and Building System Repairs (30000510)

Appropriation:

Western Washington University Capital Projects	
Account—State. . . . .	\$3,614,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$14,456,000
TOTAL . . . . .	\$18,070,000

**NEW SECTION. Sec. 5042. FOR THE WESTERN WASHINGTON UNIVERSITY**

Academic Services & Performing Arts Facility (30000424)

Appropriation:

Western Washington University Capital Projects	
Account—State. . . . .	\$350,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$53,552,000
TOTAL . . . . .	\$53,902,000

**NEW SECTION. Sec. 5043. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Pierce College Fort Steilacoom: Cascade Core (20081321)

Reappropriation:

Community/Technical College Capital Projects	
Account—State. . . . .	\$8,119,000
Prior Biennia (Expenditures) . . . . .	\$381,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$8,500,000

**NEW SECTION. Sec. 5044. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Roof Repairs "A" (30000010)

Reappropriation:

Community/Technical College Capital Projects	
Account—State. . . . .	\$3,534,000
Prior Biennia (Expenditures) . . . . .	\$3,320,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$6,854,000

**NEW SECTION. Sec. 5045. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Site Repairs "A" (30000036)

Reappropriation:

Community/Technical College Capital Projects	
Account—State. . . . .	\$1,835,000
Prior Biennia (Expenditures) . . . . .	\$875,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$2,710,000

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**NEW SECTION. Sec. 5046. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Facility Repairs "A" (30000048)

Reappropriation:

Community/Technical College Capital Projects	
Account—State. . . . .	\$1,359,000
Prior Biennia (Expenditures) . . . . .	\$448,000
Future Biennia (Projected Costs) . . . . .	\$0
<b>TOTAL</b> . . . . .	<b>\$1,807,000</b>

**NEW SECTION. Sec. 5047. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Minor Works: Program (30000078)

Reappropriation:

Community/Technical College Capital Projects	
Account—State. . . . .	\$6,690,000
Prior Biennia (Expenditures) . . . . .	\$5,537,000
Future Biennia (Projected Costs) . . . . .	\$0
<b>TOTAL</b> . . . . .	<b>\$12,227,000</b>

**NEW SECTION. Sec. 5048. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Minor Works: Preservation (30000210)

Reappropriation:

Community/Technical College Capital Projects	
Account—State. . . . .	\$10,937,000
Prior Biennia (Expenditures) . . . . .	\$5,063,000
Future Biennia (Projected Costs) . . . . .	\$0
<b>TOTAL</b> . . . . .	<b>\$16,000,000</b>

**NEW SECTION. Sec. 5049. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Site Repairs "A" (30000504)

Appropriation:

Community/Technical College Capital Projects	
Account—State. . . . .	\$3,062,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$20,180,000
<b>TOTAL</b> . . . . .	<b>\$23,242,000</b>

**NEW SECTION. Sec. 5050. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Facility Repairs "A" (30000505)

Appropriation:

Community/Technical College Capital Projects	
Account—State. . . . .	\$15,829,000



Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$63,316,000
TOTAL . . . . .	\$79,145,000

**NEW SECTION. Sec. 5051. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Roof Repairs "A" (30000434)

Appropriation:

Community/Technical College Capital Projects	
Account—State. . . . .	\$9,125,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$36,500,000
TOTAL . . . . .	\$45,625,000

**NEW SECTION. Sec. 5052. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Minor Works: Preservation (30000461)

Appropriation:

Community/Technical College Capital Projects	
Account—State. . . . .	\$16,001,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$16,001,000

**NEW SECTION. Sec. 5053. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Preventive Facility Maintenance and Building System Repairs (30000709)

Appropriation:

Community/Technical College Capital Projects	
Account—State. . . . .	\$22,800,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$91,200,000
TOTAL . . . . .	\$114,000,000

**PART 6  
2011 SUPPLEMENTAL CAPITAL BUDGET**

*\*Sec. 6001. 2009 c 497 s 3136 (uncodified) is amended to read as follows:*

**FOR THE RECREATION AND CONSERVATION FUNDING BOARD  
Salmon Recovery Funding Board Programs (30000003)**

**The appropriation in this section is subject to the following conditions and limitations: The board shall terminate its contract for restoration of the Bear River Estuary (Project No. 10-1652). Unexpended grant funding attributable to this project may be spent by the board for other salmon recovery projects.**

Appropriation:

General Fund—Federal. . . . .	\$60,000,000
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Ch. 48 WASHINGTON LAWS, 2011 Sp. Sess.

<i>State Building Construction Account—State</i> . . . . .	<i>\$10,000,000</i>
<i>Subtotal Appropriation</i> . . . . .	<i>\$70,000,000</i>
<i>Prior Biennia (Expenditures)</i> . . . . .	<i>\$0</i>
<i>Future Biennia (Projected Costs)</i> . . . . .	<i>\$240,000,000</i>
<b>TOTAL</b> . . . . .	<b>\$310,000,000</b>

\*Sec. 6001 was vetoed. See message at end of chapter.

**Sec. 6002.** 2010 1st sp.s. c 36 s 1017 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Energy Regional Innovation Cluster Match (91000080)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to support facilities to be located in Washington state to increase the competitiveness of state or regional proposals for federal energy innovation and research funding. State funding must not exceed twenty percent of the total program or project funds. If a Washington state research organization is not awarded federal funding for energy innovation and research by June 30, 2011, the remaining appropriation in this section may be allotted for export assistance as provided in section 1018 of this act.

Appropriation:

Public Facility Construction Loan Revolving Account—State . . . . .	(\$5,500,000)
	\$0
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
<b>TOTAL</b> . . . . .	<b>(\$5,500,000)</b>
	\$0

NEW SECTION. **Sec. 6003.** A new section is added to 2009 c 497 (uncodified) to read as follows:

**FOR THE WASHINGTON STATE PATROL**

Fire Training Academy Burn Building Repairs (91000002)

Appropriation:

Fire Service Training Account—State . . . . .	\$300,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
<b>TOTAL</b> . . . . .	<b>\$300,000</b>

NEW SECTION. **Sec. 6004.** A new section is added to 2009 c 497 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Diesel Emissions Reduction (91000024)

Appropriation:

General Fund—Federal . . . . .	\$353,000
Prior Biennia (Expenditures) . . . . .	\$0

Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$353,000

**Sec. 6005.** 2009 c 497 s 3155 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Puget Sound Initiative - Nearshore Salmon Restoration (20062001)

The reappropriations in this section are subject to the following conditions and limitations:

(1) The reappropriations are provided solely for efforts to restore nearshore habitat and estuaries in Puget Sound. The department of fish and wildlife must focus on restoring natural nearshore processes, including protection and restoration of beach sediments and removal of existing bulkheads.

(2) The department of fish and wildlife shall provide the Puget Sound partnership, as created by chapter 341, Laws of 2007 the opportunity to review and provide comment on proposed projects and activities recommended for funding. This review must be consistent with the funding schedule for the program.

(3) Funded projects require a nonstate match or in-kind contributions. The department of fish and wildlife must seek to maximize the amount of nonstate match from local, state, tribal, and federal partners. Individual projects require a minimum 33 percent cash or in-kind match.

(4) Eligible projects must be within Puget Sound and identified by a salmon recovery lead entity or marine resource committee and identified in a current salmon recovery, watershed, or nearshore habitat restoration and protection plan.

(5) Project evaluation criteria must be developed by the Puget Sound nearshore steering committee. The criteria must be consistent with the technical guidance developed by the Puget Sound nearshore science team and shall be coordinated with the salmon recovery funding board to ensure that project funding and matching requirements are maximized to the greatest extent possible.

(6) The department of fish and wildlife must not utilize any amount of these reappropriations to support administration or overhead. Funding to support the administration of the funds and the implementation of selected projects must be obtained from the department of fish and wildlife's operating budget.

(7) In recognition of the urgent need to complete the Puget Sound nearshore ecosystem restoration project general investigation, up to \$1,446,000 of these reappropriations may be used to match federal funds implementing the cost-share agreement between the department and the United States army corps of engineers.

(8) Up to \$2,061,735 of the reappropriations are provided solely for the following projects:

Project	Amount
Duwamish Garden estuary restoration	\$300,000
Seahurst Park bulkhead phase II	\$1,100,000
Lower Dosewallips floodplain	\$609,875
Titlow Beach pocket estuary restoration	\$51,860

Reappropriation:

State Building Construction Account—State . . . . .	\$6,636,000
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**Ch. 48 WASHINGTON LAWS, 2011 Sp. Sess.**

General Fund—Federal . . . . . \$600,000  
Subtotal Reappropriation . . . . . \$7,236,000

Appropriation:

General Fund—Federal . . . . . \$800,000  
Prior Biennia (Expenditures) . . . . . ~~(\$7,190,000)~~  
\$7,627,000  
Future Biennia (Projected Costs) . . . . . \$0  
TOTAL . . . . . ~~(\$14,426,000)~~  
\$15,663,000

NEW SECTION, Sec. 6006. A new section is added to 2009 c 497 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Mitchell Act Federal Grant (91000021)

Appropriation:

General Fund—Federal . . . . . \$3,000,000  
Prior Biennia (Expenditures) . . . . . \$0  
Future Biennia (Projected Costs) . . . . . \$0  
TOTAL . . . . . \$3,000,000

**Sec. 6007.** 2010 1st sp.s. c 3 s 6005 (uncodified) is amended to read as follows:

**FOR SPOKANE COMMUNITY COLLEGE**

The Washington state military department shall transfer building 100 and 5.47 acres of associated land at Geiger field to Spokane community college. The college may exchange the transferred land for land that is better suited for the development of a Spokane aerospace technology center. The Washington state military department shall execute the land transfer within thirty days after the effective date of this section.

NEW SECTION, Sec. 6008. A new section is added to 2009 c 497 (uncodified) to read as follows:

**FOR THE PUGET SOUND PARTNERSHIP**

Community Partnership Restoration Grants (30000008)

Appropriation:

General Fund—Federal . . . . . \$500,000  
Prior Biennia (Expenditures) . . . . . \$0  
Future Biennia (Projected Costs) . . . . . \$0  
TOTAL . . . . . \$500,000

**PART 7  
MISCELLANEOUS PROVISIONS**

NEW SECTION, Sec. 7001. (1) Allotments for appropriations in this act shall be provided in accordance with the capital project review requirements adopted by the office of financial management and in compliance with RCW 43.88.110. Projects that will be employing alternative public works construction

procedures under chapter 39.10 RCW are subject to the allotment procedures defined in this section and RCW 43.88.110.

(2) Each project is defined as proposed in the legislative budget notes or in the governor's budget document.

**NEW SECTION. Sec. 7002.** To ensure that major construction projects are carried out in accordance with legislative and executive intent, appropriations in this act in excess of \$5,000,000 shall not be expended or encumbered until the office of financial management has reviewed and approved the agency's predesign. The predesign document shall include but not be limited to program, site, and cost analysis in accordance with the predesign manual adopted by the office of financial management. To improve monitoring of major construction projects, progress reports shall be submitted by the agency administering the project to the office of financial management and to the fiscal committees of the house of representatives and senate. Reports will be submitted on July 1st and December 31st each year in a format to be developed by the office of financial management.

**NEW SECTION. Sec. 7003.** (1) To ensure minor works appropriations are carried out in accordance with legislative intent, funds appropriated in this act shall not be allotted until project lists are on file at the office of financial management, the house of representatives capital budget committee, and the senate ways and means committee. All projects must meet the criteria included in subsection (2)(a) of this section. Revisions to the lists must be filed with the office of financial management, the house of representatives capital budget committee, and the senate ways and means committee and include an explanation of variances from the prior lists before funds may be expended on the revisions.

(2)(a) Minor works projects are single line appropriations that include multiple projects of a similar nature and that are valued between \$25,000 and \$1,000,000 each, with the exception of higher education minor works projects that may be valued up to \$2,000,000. These projects can generally be completed within two years of the appropriation with the funding provided. Agencies are prohibited from including projects on their minor works lists that are a phase of a larger project, and that if combined over a continuous period of time, would exceed \$1,000,000, or \$2,000,000 for higher education minor works projects. Improvements for accessibility in compliance with the Americans with disabilities act may be included in any of the above minor works categories.

(b) Minor works appropriations shall not be used for, among other things: Studies, except for technical or engineering reviews or designs that lead directly to and support a project on the same minor works list; planning; design outside the scope of work on a minor works list; moveable, temporary, and traditionally funded operating equipment not in compliance with the equipment criteria established by the office of financial management; software not dedicated to control of a specialized system; moving expenses; land or facility acquisition; or to supplement funding for projects with funding shortfalls unless expressly authorized elsewhere in this act. The office of financial management may make an exception to the limitations described in this subsection (2)(b) for exigent circumstances after notifying the legislative fiscal committees and waiting ten days for comments by the legislature regarding the proposed exception.

(c) Minor works preservation projects may include program improvements of no more than twenty-five percent of the individual minor works preservation project cost.

(3) It is generally not the intent of the legislature to make future appropriations for capital expenditures or for maintenance and operating expenses for an acquisition project or a significant expansion project that is initiated through the minor works process and therefore does not receive a policy and fiscal analysis by the legislature. Minor works projects are intended to be one-time expenditures that do not require future state resources to complete.

**NEW SECTION. Sec. 7004.** (1) The office of financial management may authorize a transfer of appropriation authority provided for a capital project that is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer may be used to expand the capacity of any facility beyond that intended in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects that are funded from the same fund or account. No transfers may occur between projects to local government agencies except where the grants are provided within a single omnibus appropriation and where such transfers are specifically authorized by the implementing statutes that govern the grants.

(2) The office of financial management may find that an amount is in excess of the amount required for the completion of a project only if: (a) The project as defined in the notes to the budget document is substantially complete and there are funds remaining; or (b) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated in this act.

(3) For the purposes of this section, the intent is that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

(4) The office of financial management shall report any transfer effected under this section to the house of representatives capital budget committee, the senate ways and means committee, and the legislative evaluation and accountability program committee, at least thirty days before the date the transfer is effected. The office of financial management shall report all emergency or smaller transfers within thirty days from the date of transfer. The governor's capital budget request following any transfer shall reflect that transfer in the affected agency.

**Sec. 7005.** RCW 39.35B.050 and 2007 c 506 s 3 are each amended to read as follows:

The office of financial management shall:

(1) Design and implement a cost-effective life-cycle cost model by October 1, 2008, based on the work completed by the joint legislative audit and review committee in January 2007 and in consultation with legislative fiscal committees;

(2) Deploy the life-cycle cost model for use by state agencies once completed and tested;

(3) Update the life-cycle cost model periodically in consultation with legislative fiscal committees;

(4) Establish clear policies, standards, and procedures regarding the use of life-cycle cost analysis by state agencies including:

(a) When state agencies must use the life-cycle cost analysis, including the types of proposed capital projects and leased facilities to which it must be applied;

(b) Procedures state agencies must use to document the results of required life-cycle cost analyses;

(c) Standards regarding the discount rate and other key model assumptions;  
~~((and))~~

(d) A process to document and justify any deviation from the standard assumptions;

(e) Establish a requirement that agencies conduct the analysis comparing a thirty-year and fifty-year building life when using the life-cycle cost model; and

(f) Establish a requirement that agencies include renovation, system replacement, and remodel costs in maintenance costs for use in the life-cycle cost model.

**NEW SECTION. Sec. 7006.** (1) It is expected that projects be ready to proceed in a timely manner depending on the type or phase of the project or program that is the subject of the appropriation in this act. Except for major projects that customarily may take more than two biennia to complete from pre-design to the end of construction, or large infrastructure grant or loan programs supporting projects that often take more than two biennia to complete, the legislature generally does not intend to reappropriate funds more than once, particularly for smaller grant programs, local/community projects, and minor works.

(2) Agencies shall expedite the expenditure of reappropriations and appropriations in this act in order to: (a) Rehabilitate infrastructure resources; (b) accelerate environmental rehabilitation and restoration projects for the improvement of the state's natural environment; (c) reduce additional costs associated with acquisition and construction inflationary pressures; and (d) provide additional employment opportunities associated with capital expenditures.

(3) To the extent feasible, agencies are directed to accelerate expenditure rates at their current level of permanent employees and shall use contracted design and construction services wherever necessary to meet the goals of this section.

**NEW SECTION. Sec. 7007.** State agencies, including institutions of higher education, shall allot and report full-time equivalent staff for capital projects in a manner comparable to staff reporting for operating expenditures.

**NEW SECTION. Sec. 7008.** The department of general administration shall not charge the facility depreciation component of lease charges for nonprofit tenants in the building adjoining Capitol Way and 11th avenue during the 2011-2013 biennium.

NEW SECTION. Sec. 7009. Executive Order No. 05-05, archaeological and cultural resources, was issued effective November 10, 2005. Agencies and higher education institutions shall comply with the requirements set forth in this executive order.

NEW SECTION. Sec. 7010. The capital projects advisory review board and the department of general administration, in consultation with the office of superintendent of public instruction, shall develop a performance-based school construction pilot program. The pilot program must consist of a minimum of two new K-12 school construction projects and two K-12 modernization projects, for consideration under the school construction assistance grant program. Performance-based contracting as allowed in chapter 39.35A RCW shall be the means of project delivery for all applicable systems or structural improvements. The program shall at a minimum include the following: (1) Guidelines for developing a prequalified list of energy services contractors eligible for selection to lead or participate on a team to design and construct a new building, or renovate a building; (2) a process for evaluating the projects submitted by school districts to determine if they are candidates for the pilot; (3) a model contract that requires a guarantee of system performance by way of ongoing monitoring and verification of energy measures to be used in the building; and (4) any rule making or oversight that the department of general administration considers necessary for the success of the pilot program. The pilot program recommendations shall be delivered to the house capital budget committee and the senate ways and means committee by January 1, 2012.

NEW SECTION. Sec. 7011. ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS

The following agencies may enter into financial contracts, paid from any funds of an agency, appropriated or nonappropriated, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. Expenditures made by an agency for one of the indicated purposes before the issue date of the authorized financial contract and any certificates of participation therein are intended to be reimbursed from proceeds of the financial contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

State agencies may enter into agreements with the department of general administration and the state treasurer's office to develop requests to the legislature for acquisition of properties and facilities through financial contracts. The agreements may include charges for services rendered.

Those noninstructional facilities of higher education institutions authorized in this section to enter into financial contracts are not eligible for state funded maintenance and operations. Instructional space that is available for regularly scheduled classes for academic transfer, basic skills, and workforce training programs may be eligible for state funded maintenance and operations.

- (1) Community and technical colleges:



(a) Enter into a financing contract on behalf of Columbia basin college for up to \$2,500,000 plus financing and required reserves pursuant to chapter 39.94 RCW to add space to the delta high school for the science technology engineering math program.

(b) Enter into a financing contract on behalf of Peninsula college for up to \$2,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to renovate the Forks Satellite building.

(c) Enter into a financing contract on behalf of Peninsula college for up to \$800,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build a wellness center on the Port Angeles campus.

(d) Enter into a financing contract on behalf of Walla Walla Community College for up to \$1,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase up to 40 acres of land.

(e) Enter into a financing contract on behalf of Walla Walla Community College for up to \$1,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the water and environment center.

(f) Enter into a financing contract on behalf of Wenatchee Valley Community College for up to \$2,700,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a music and art center.

(g) Enter into a financing contract on behalf of Whatcom community college for up to \$3,916,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build an auxiliary services building.

(2) Central Washington University: Enter into a financing contract for up to \$2,500,000 plus financing and required reserves pursuant to chapter 39.94 RCW to purchase the Albertsons's building.

(3) Department of general administration:

(a) Enter into a financing contract for up to \$6,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the rehabilitation of the John L. O'Brien building.

(b) Enter into a financing contract for up to \$250,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the "Perry Street child care site" land purchase.

(4) Department of social and health services: Enter into a financing contract for up to \$15,850,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct or renovate specialized housing and treatment facilities for youth committed to the juvenile rehabilitation administration. The debt service is to be paid with the savings associated with closure of the Maple Lane school.

**NEW SECTION. Sec. 7012. PUGET SOUND PROTECTION AND RESTORATION**

Consistent with RCW 90.71.340, when expending appropriations under this act that contribute to Puget Sound protection and recovery, agencies shall consult with the Puget Sound partnership to ensure that projects and expenditures are either in, or consistent with the 2020 action agenda. These consultations shall include the exchange of information on specific actions, projects, associated funding, performance measures, and other information necessary to track project implementation and ensure alignment with the action agenda. In situations where the Puget Sound partnership finds that a project is not in, or is not consistent with the action agenda Puget Sound partnership shall

document this finding and report back to the governor and legislative fiscal committees.

**NEW SECTION. Sec. 7013. FOR THE ARTS COMMISSION—ART WORK ALLOWANCE POOLING**

(1) One-half of one percent of moneys appropriated in this act for original construction of school plant facilities may be expended for the purposes of RCW 28A.335.210. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the superintendent of public instruction and representatives of school district boards.

(2) One-half of one percent of moneys appropriated in this act for original construction or any major renovation or remodel work exceeding two hundred thousand dollars by colleges or universities may be expended for the purposes of RCW 28B.10.027. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the board of regents or trustees.

(3) One-half of one percent of moneys appropriated in this act for original construction of any public building by a state agency as defined in RCW 43.17.020 may be expended for the purposes of RCW 43.17.200. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the state agency.

(4) At least eighty-five percent of the moneys spent by the Washington state arts commission during the 2011-2013 biennium for the purposes of RCW 28A.335.210, 28B.10.027, and 43.17.200 must be expended solely for direct acquisition of works of art. The commission may use up to \$100,000 of this amount to conserve or maintain existing pieces in the state art collection pursuant to chapter 36, Laws of 2005.

**NEW SECTION. Sec. 7014.** To carry out the provisions of this act, the governor may assign responsibility for predesign, design, construction, and other related activities to any appropriate agency.

**NEW SECTION. Sec. 7015.** If any federal moneys appropriated by this act for capital projects are not received by the state, the department or agency to which the moneys were appropriated may replace the federal moneys with funds available from private or local sources. No replacement may occur under this section without the prior approval of the director of financial management in consultation with the senate ways and means committee and the house of representatives capital budget committee.

**NEW SECTION. Sec. 7016.** (1) Unless otherwise stated, for all appropriations under this act that require a match of nonstate money or in-kind contributions, the following requirement, consistent with RCW 43.88.150, shall apply: Expenditures of state money shall be timed so that the state share of project expenditures never exceeds the intended state share of total project costs.

(2) Provision of the full amount of required matching funds is not required to permit the expenditure of capital budget appropriations for phased projects if a proportional amount of the required matching funds is provided for each distinct, identifiable phase of the project.

NEW SECTION. Sec. 7017. A new section is added to 2009 c 497 (uncodified) to read as follows:

The office of financial management, in consultation with the fiscal committees of the legislature, may select capital projects that have completed predesign to undergo a budget evaluation study. The budget evaluation study team approach using value engineering techniques must be utilized by the office of financial management in conducting the studies. The office of financial management shall select the budget evaluation team members, contract for the study, and report the results to the legislature and agencies in a timely manner following the study. Funds from the project appropriation must be used by the office of financial management through an interagency agreement with the affected agencies to cover the cost of the study.

*\*NEW SECTION. Sec. 7018. (1) The fish and wildlife commission, acting through the department of general administration, shall transfer to the city of Olympia its three parcels of property located in downtown Olympia as recommended in the report submitted to the legislature by the department of general administration January 12, 2011. The department of general administration must obtain an appraisal to determine the fair market value of these properties and negotiate a contract with the city of Olympia with the following provisions: (a) A plan and timeline for preparing the parcels for higher use with a significant component of mixed use retail and market rate housing; (b) a process for determining the city's costs associated with that planning and development effort; (c) an agreement on how to divide the proceeds from eventual sale of the properties to a private developer or developers between the state and the city; and (d) a contingency that addresses the reversion right if the city fails to meet the conditions of the agreement.*

*(2) The division of the proceeds must be in proportion to the amounts determined as the fair market value of the properties before transfer and the amount determined under subsection (1)(b) of this section. The department of general administration shall submit the proposed contract to the appropriate committees of the legislature sixty days prior to the execution of the contract with the city. The state's share of the proceeds shall be deposited in the state wildlife account.*

\*Sec. 7018 was vetoed. See message at end of chapter.

NEW SECTION. Sec. 7019. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

The superintendent of public instruction shall work with the department of general administration to help raise school district awareness of the department's services related to standard construction contract language, consultant agreement language, and the consultant selection process. The superintendent of public instruction shall use their web site, or other means, to post access to this information.

**Sec. 7020.** RCW 28B.20.725 and 2010 1st sp.s. c 36 s 6008 are each amended to read as follows:

The board is hereby empowered:

(1) To reserve the right to issue bonds later on a parity with any bonds being issued;

(2) To authorize the investing of moneys in the bond retirement fund and any reserve account therein;

(3) To authorize the transfer of money from the University of Washington building account to the bond retirement fund when necessary to prevent a default in the payments required to be made out of such fund;

(4) To create a reserve account or accounts in the bond retirement fund to secure the payment of the principal of and interest on any bonds;

(5) To authorize the transfer to the University of Washington building account of any money on deposit in the bond retirement fund in excess of debt service for a period of three years from the date of such transfer on all outstanding bonds payable out of such fund. However, during the 2009-2011 fiscal biennium, the legislature may transfer to the University of Washington building account moneys that are in excess of the debt service due within one year of the date of transfer on all outstanding bonds payable out of the bond retirement fund. However, during the 2011-2013 fiscal biennium, the legislature may transfer to the University of Washington building account moneys that are in excess of the debt service due within one year of the date of transfer on all outstanding bonds payable out of the bond retirement fund.

**Sec. 7021.** RCW 28B.30.750 and 2010 1st sp.s. c 36 s 6009 are each amended to read as follows:

The board is hereby empowered:

(1) To reserve the right to issue bonds later on a parity with any bonds being issued;

(2) To authorize the investing of moneys in the bond retirement fund and any reserve account therein;

(3) To authorize the transfer of money from the Washington State University building account to the bond retirement fund when necessary to prevent a default in the payments required to be made out of such fund;

(4) To create a reserve account or accounts in the bond retirement fund to secure the payment of the principal of and interest on any bonds;

(5) To authorize the transfer to the Washington State University building account of any money on deposit in the bond retirement fund in excess of debt service for a period of three years from the date of such transfer on all outstanding bonds payable out of such fund. However, during the 2009-2011 fiscal biennium, the legislature may transfer to the Washington State University building account moneys that are in excess of the debt service due within one year of the date of transfer on all outstanding bonds payable out of the bond retirement fund. However, during the 2011-2013 fiscal biennium, the legislature may transfer to the Washington State University building account moneys that are in excess of the debt service due within one year of the date of transfer on all outstanding bonds payable out of the bond retirement fund.

**Sec. 7022.** RCW 28B.15.210 and 2009 c 499 s 1 and 2009 c 497 s 6019 are each reenacted and amended to read as follows:

Within thirty-five days from the date of collection thereof, all building fees at the University of Washington, including building fees to be charged students registering in the schools of medicine and dentistry, shall be paid into the state treasury and credited as follows:

One-half or such larger portion as may be necessary to prevent a default in the payments required to be made out of the bond retirement fund to the "University of Washington bond retirement fund" and the remainder thereof to the "University of Washington building account." The sum so credited to the University of Washington building account shall be used exclusively for the purpose of erecting, altering, maintaining, equipping, or furnishing buildings, and for certificates of participation under chapter 39.94 RCW, except for any sums transferred as authorized in RCW 28B.20.725(3). The sum so credited to the University of Washington bond retirement fund shall be used for the payment of principal of and interest on bonds outstanding as provided by chapter 28B.20 RCW except for any sums transferred as authorized in RCW 28B.20.725(5). During the ((2009-2011)) 2011-2013 biennium, sums credited to the University of Washington building account shall also be used for routine facility maintenance and utility costs.

**Sec. 7023.** RCW 28B.15.310 and 2009 c 499 s 2 and 2009 c 497 s 6020 are each reenacted and amended to read as follows:

Within thirty-five days from the date of collection thereof, all building fees shall be paid and credited as follows: To the Washington State University bond retirement fund, one-half or such larger portion as may be necessary to prevent a default in the payments required to be made out of such bond retirement fund; and the remainder thereof to the Washington State University building account.

The sum so credited to the Washington State University building account shall be expended by the board of regents for buildings, equipment, or maintenance on the campus of Washington State University as may be deemed most advisable and for the best interests of the university, and for certificates of participation under chapter 39.94 RCW, except for any sums transferred as authorized by law. During the ((2009-2011)) 2011-2013 biennium, sums credited to the Washington State University building account shall also be used for routine facility maintenance and utility costs. Expenditures so made shall be accounted for in accordance with existing law and shall not be expended until appropriated by the legislature.

The sum so credited to the Washington State University bond retirement fund shall be used to pay and secure the payment of the principal of and interest on building bonds issued by the university, except for any sums which may be transferred out of such fund as authorized by law.

**Sec. 7024.** RCW 28B.35.370 and 2009 c 499 s 5 and 2009 c 497 s 6021 are each reenacted and amended to read as follows:

Within thirty-five days from the date of collection thereof all building fees of each regional university and The Evergreen State College shall be paid into the state treasury and these together with such normal school fund revenues as provided in RCW 28B.35.751 as are received by the state treasury shall be credited as follows:

(1) On or before June 30th of each year the board of trustees of each regional university and The Evergreen State College, if issuing bonds payable out of its building fees and above described normal school fund revenues, shall certify to the state treasurer the amounts required in the ensuing twelve months to pay and secure the payment of the principal of and interest on such bonds. The amounts so certified by each regional university and The Evergreen State

College shall be a prior lien and charge against all building fees and above described normal school fund revenues of such institution. The state treasurer shall thereupon deposit the amounts so certified in the Eastern Washington University capital projects account, the Central Washington University capital projects account, the Western Washington University capital projects account, or The Evergreen State College capital projects account respectively, which accounts are hereby created in the state treasury. The amounts deposited in the respective capital projects accounts shall be used to pay and secure the payment of the principal of and interest on the building bonds issued by such regional universities and The Evergreen State College as authorized by law. If in any twelve month period it shall appear that the amount certified by any such board of trustees is insufficient to pay and secure the payment of the principal of and interest on the outstanding building and above described normal school fund revenue bonds of its institution, the state treasurer shall notify the board of trustees and such board shall adjust its certificate so that all requirements of moneys to pay and secure the payment of the principal of and interest on all such bonds then outstanding shall be fully met at all times.

(2) All normal school fund revenue pursuant to RCW 28B.35.751 shall be deposited in the Eastern Washington University capital projects account, the Central Washington University capital projects account, the Western Washington University capital projects account, or The Evergreen State College capital projects account respectively, which accounts are hereby created in the state treasury. The sums deposited in the respective capital projects accounts shall be appropriated and expended to pay and secure the payment of the principal of and interest on bonds payable out of the building fees and normal school revenue and for the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances in relation thereto except for any sums transferred therefrom as authorized by law. During the ((2009-2011)) 2011-2013 biennium, sums in the respective capital accounts shall also be used for routine facility maintenance and utility costs.

(3) Funds available in the respective capital projects accounts may also be used for certificates of participation under chapter 39.94 RCW.

**Sec. 7025.** RCW 28B.50.360 and 2009 c 499 s 6 are each amended to read as follows:

Within thirty-five days from the date of start of each quarter all collected building fees of each such community and technical college shall be paid into the state treasury, and shall be credited as follows:

(1) On or before June 30th of each year the college board if issuing bonds payable out of building fees shall certify to the state treasurer the amounts required in the ensuing twelve-month period to pay and secure the payment of the principal of and interest on such bonds. The state treasurer shall thereupon deposit the amounts so certified in the community and technical college capital projects account. Such amounts of the funds deposited in the community and technical college capital projects account as are necessary to pay and secure the payment of the principal of and interest on the building bonds issued by the college board as authorized by this chapter shall be devoted to that purpose. If in any twelve-month period it shall appear that the amount certified by the college board is insufficient to pay and secure the payment of the principal of and

interest on the outstanding building bonds, the state treasurer shall notify the college board and such board shall adjust its certificate so that all requirements of moneys to pay and secure the payment of the principal and interest on all such bonds then outstanding shall be fully met at all times.

(2) The community and technical college capital projects account is hereby created in the state treasury. The sums deposited in the capital projects account shall be appropriated and expended to pay and secure the payment of the principal of and interest on bonds payable out of the building fees and for the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets owned by the state board for community and technical colleges in the name of the state of Washington, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances in relation thereto, engineering and architectural services provided by the department of general administration, and for the payment of principal of and interest on any bonds issued for such purposes. During the 2011-2013 biennium, sums in the capital projects account shall also be used for routine facility maintenance and utility costs.

(3) Funds available in the community and technical college capital projects account may also be used for certificates of participation under chapter 39.94 RCW.

**Sec. 7026.** RCW 43.43.944 and 2010 1st sp.s. c 37 s 923 are each amended to read as follows:

(1) The fire service training account is hereby established in the state treasury. The fund shall consist of:

- (a) All fees received by the Washington state patrol for fire service training;
- (b) All grants and bequests accepted by the Washington state patrol under RCW 43.43.940;
- (c) Twenty percent of all moneys received by the state on fire insurance premiums; and
- (d) General fund—state moneys appropriated into the account by the legislature.

(2) Moneys in the account may be appropriated only for fire service training. The state patrol may use amounts appropriated from the fire service training account under this section to contract with the Washington state firefighters apprenticeship trust for the operation of the firefighter joint apprenticeship training program. The contract may call for payments on a monthly basis. During the 2009-2011 fiscal biennium, the legislature may appropriate funds from this account for school fire prevention activities within the Washington state patrol and for repairs of the burn building. During the 2011-2013 fiscal biennium, the legislature may appropriate funds from this account for school fire prevention activities within the Washington state patrol, and for predesign and repairs of the burn building.

(3) Any general fund—state moneys appropriated into the account shall be allocated solely to the firefighter joint apprenticeship training program. The Washington state patrol may contract with outside entities for the administration and delivery of the firefighter joint apprenticeship training program.

**Sec. 7027.** RCW 43.63A.125 and 2008 c 327 s 15 are each amended to read as follows:

(1) The department shall establish the building communities fund program. Under the program, capital and technical assistance grants may be made to nonprofit organizations for acquiring, constructing, or rehabilitating facilities used for the delivery of nonresidential community services, including social service centers and multipurpose community centers, including those serving a distinct or ethnic population. Such facilities must be located in a distressed community or serve a substantial number of low-income or disadvantaged persons.

(2) The department shall establish a competitive process to solicit ~~((and))~~, evaluate, and rank applications for the building communities fund program as follows:

(a) The department shall conduct a statewide solicitation of project applications from nonprofit organizations.

(b) The department shall evaluate and rank applications in consultation with a citizen advisory committee using objective criteria. To be considered qualified, applicants must demonstrate that the proposed project:

(i) Will increase the range, efficiency, or quality of the services provided to citizens;

(ii) Will be located in a distressed community or will serve a substantial number of low-income or disadvantaged persons;

(iii) Will offer three or more distinct activities that meet a single community service objective or offer a diverse set of activities that meet multiple community service objectives, including but not limited to: Providing social services; expanding employment opportunities for or increasing the employability of community residents; or offering educational or recreational opportunities separate from the public school system or private schools, as long as recreation is not the sole purpose of the facility;

(iv) Reflects a long-term vision for the development of the community, shared by residents, businesses, leaders, and partners;

(v) Requires state funding to accomplish a discrete, usable phase of the project;

(vi) Is ready to proceed and will make timely use of the funds;

(vii) Is sponsored by one or more entities that have the organizational and financial capacity to fulfill the terms of the grant agreement and to maintain the project into the future;

(viii) Fills an unmet need for community services;

(ix) Will achieve its stated objectives; and

(x) Is a community priority as shown through tangible commitments of existing or future assets made to the project by community residents, leaders, businesses, and government partners.

(c) The evaluation and ranking process shall also include an examination of existing assets that applicants may apply to projects. Grant assistance under this section shall not exceed twenty-five percent of the total cost of the project, except, under exceptional circumstances, the department may reduce the amount of nonstate match required. No more than ten percent of the total granted amount may be awarded to qualified eligible projects that meet the definition of exceptional circumstances defined in this subsection. For purposes of this subsection, exceptional circumstances include but are not limited to: Natural disasters affecting projects; emergencies beyond an applicant's control, such as a



fire or an unanticipated loss of a lease where services are currently provided; or a delay that could result in a threat to public health or safety. The nonstate portion of the total project cost may include cash, the value of real property when acquired solely for the purpose of the project, and in-kind contributions.

(d) The department may not set a monetary limit to funding requests.

(3) The department shall submit (~~annually~~) biennially to the governor and the legislature in the department's capital budget request (~~an unranked~~) a ranked list of the qualified eligible projects for which applications were received. The list must include a description of each project, its total cost, and the amount of state funding requested. The appropriate fiscal committees of the legislature shall use this list to determine building communities fund projects that may receive funding in the capital budget. The total amount of state capital funding available for all projects on the (~~annual~~) biennial list shall be determined by the capital budget beginning with the 2009-2011 biennium and thereafter. In addition, if cash funds have been appropriated, up to three million dollars may be used for technical assistance grants. The department shall not sign contracts or otherwise financially obligate funds under this section until the legislature has approved a specific list of projects.

(4) In addition to the list of ranked qualified eligible projects, the department shall submit to the appropriate fiscal committees of the legislature a summary report that describes the solicitation and evaluation processes, including but not limited to the number of applications received, the total amount of funding requested, issues encountered, if any, and any recommendations for process improvements.

(5) After the legislature has approved a specific list of projects in law, the department shall develop and manage appropriate contracts with the selected applicants; monitor project expenditures and grantee performance; report project and contract information; and exercise due diligence and other contract management responsibilities as required.

(6) In contracts for grants authorized under this section the department shall include provisions which require that capital improvements shall be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities shall be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

NEW SECTION. Sec. 7028. A new section is added to chapter 43.155 RCW to read as follows:

(1) The legislature intends to modernize state programs that provide financial and technical assistance related to local infrastructure by: (a) Clarifying the policy objectives and priorities for state assistance for local infrastructure; (b) eliminating redundancy among the various state programs; (c) increasing the speed of delivering state assistance and the ability to respond to emerging needs; (d) maximizing the acquisition and use of federal funding sources; (e) ensuring transparency in state and federal assistance; (f) improving access to the lowest cost private market financing; and (g) ensuring accountability and the periodic review of progress.

(2) By November 1, 2011, the public works board must prepare and submit to the appropriate committees of the legislature an implementation plan for creating a reformed state system for providing local infrastructure assistance. In developing the plan, the board must consult with state agencies that provide infrastructure funding and technical assistance including, but not limited to, the departments of commerce, health, and ecology. The board must also work in cooperation with local governments or entities that benefit from infrastructure funding and technical assistance.

(3) The board, state agencies, and local partners must consider, among other things, consolidation of state appropriations to support policy-focused investments including water quality, safe drinking water, storm water, economic development, access to private financing, solid waste and recycling, and flood levees. In addition, they must consider consolidating assistance packages, streamlining application processes, and clarify the respective responsibilities of state and local agencies in planning for, developing and maintaining local public infrastructure.

(4) The implementation plan must include draft legislation and the organizational and budgetary changes necessary to implement the new system in time for the 2013-2015 budget cycle.

**NEW SECTION. Sec. 7029. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

The department of general administration shall provide the office of the superintendent of public instruction with existing standard construction contract and consultant agreement standardized language and selection process, for publication on office of the superintendent of public instruction's web site, which can be used at no charge by school districts. In addition, the department of general administration shall provide an option to school districts to modify existing standard construction contract or consultant agreement language and assist districts with the consultant selection process an hourly rate for these services.

**NEW SECTION. Sec. 7030. FOR THE EASTERN WASHINGTON UNIVERSITY**

Riverpoint Center Property Sale (30000061)

Eastern Washington University is authorized to sell its center at 701 West First Avenue in downtown Spokane, and directed to deposit the proceeds of the sale into the Eastern Washington University capital projects account. The university shall report to the office of financial management and to the appropriate committees of the legislature upon the sale of the downtown center and completion of the updated appraisal.

\*Sec. 7031. 2011 c 5 s 801 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—TRANSFERS**

State Treasurer's Service Account: For transfer to the  
state general fund, \$16,400,000 for fiscal year  
2010 and \$29,400,000 for fiscal year 2011 . . . . . \$45,800,000

Waste Reduction, Recycling and Litter Control Account: For transfer to the state general fund, \$3,000,000 for fiscal year 2010 and \$3,000,000 for fiscal year 2011 . . . . .	\$6,000,000
<b><i>State Toxics Control Account: For transfer to the state general fund, \$15,340,000 for fiscal year 2010 ((and \$37,780,000 for fiscal year 2011)). . . . .</i></b>	<b><i>(\$53,120,000)</i></b>
	<b><u>\$15,340,000</u></b>
<b><i>Local Toxics Control Account: For transfer to the state general fund, \$37,060,000 for fiscal year 2010 ((and \$65,759,000 for fiscal year 2011)). . . . .</i></b>	<b><i>(\$102,819,000)</i></b>
	<b><u>\$37,060,000</u></b>
Education Construction Account: For transfer to the state general fund, \$105,228,000 for fiscal year 2010 and \$106,451,000 for fiscal year 2011 . . . . .	\$211,679,000
Aquatics Lands Enhancement Account: For transfer to the state general fund, \$8,520,000 for fiscal year 2010 and \$12,550,000 for fiscal year 2011 . . . . .	\$21,070,000
Drinking Water Assistance Account: For transfer to the drinking water assistance repayment account . . . . .	\$28,600,000
Economic Development Strategic Reserve Account: For transfer to the state general fund, \$2,500,000 for fiscal year 2010 and \$3,900,000 for fiscal year 2011 . . . . .	\$6,400,000
Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed by more than \$26,000,000 the actual amount of the annual payment to the tobacco settlement account . . . . .	\$204,098,000
Tobacco Settlement Account: For transfer to the life sciences discovery fund, in an amount not to exceed \$26,000,000 less than the actual amount of the strategic contribution supplemental payment to the tobacco settlement account . . . . .	\$39,170,000
General Fund: For transfer to the streamline sales and use tax account, \$24,274,000 for fiscal year 2010 and \$24,182,000 for fiscal year 2011 . . . . .	\$48,456,000
State Convention and Trade Center Account: For transfer to the state convention and trade center operations account, \$1,000,000 for fiscal year 2010 and \$3,100,000 for fiscal year 2011 . . . . .	\$4,100,000
Tobacco Prevention and Control Account: For transfer to the state general fund, \$1,961,000 for fiscal year 2010 and \$3,000,000 for fiscal year 2011 . . . . .	\$4,961,000
Nisqually Earthquake Account: For transfer to the disaster response account for fiscal year 2010 . . . . .	\$500,000
Judicial Information Systems Account: For transfer to the state general fund, \$3,250,000 for fiscal year 2010 and \$3,250,000 for fiscal year 2011 . . . . .	\$6,500,000

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Department of Retirement Systems Expense Account: For transfer to the state general fund, \$1,000,000 for fiscal year 2010 and \$1,500,000 for fiscal year 2011 . . . . .	\$2,500,000
State Emergency Water Projects Account: For transfer to the state general fund, \$390,000 for fiscal year 2011 . . . . .	\$390,000
The Charitable, Educational, Penal, and Reformatory Institutions Account: For transfer to the state general fund, \$5,550,000 for fiscal year 2010 and \$4,450,000 for fiscal year 2011 . . . . .	\$10,000,000
Energy Freedom Account: For transfer to the state general fund, \$4,038,000 for fiscal year 2010 and \$2,978,000 for fiscal year 2011 . . . . .	\$7,016,000
Thurston County Capital Facilities Account: For transfer to the state general fund, \$8,604,000 for fiscal year 2010 and \$5,156,000 for fiscal year 2011 . . . . .	\$13,760,000
Public Works Assistance Account: For transfer to the state general fund, \$279,640,000 for fiscal year 2010 and (( <del>\$229,560,000</del> )) <u>\$155,508,000</u> for fiscal year 2011 . . . . .	(( <del>\$509,200,000</del> )) <u>\$435,148,000</u>
Budget Stabilization Account: For transfer to the state general fund for fiscal year 2010. . . . .	\$45,130,000
Liquor Revolving Account: For transfer to the state general fund, \$31,000,000 for fiscal year 2010 and \$31,000,000 for fiscal year 2011 . . . . .	\$62,000,000
Public Works Assistance Account: For transfer to the city-county assistance account, \$5,000,000 on July 1, 2009, and \$5,000,000 on July 1, 2010 . . . . .	\$10,000,000
Public Works Assistance Account: For transfer to the drinking water assistance account, \$6,930,000 for fiscal year 2010 and \$4,000,000 for fiscal year 2011 . . . . .	\$10,930,000
Shared Game Lottery Account: For transfer to the education legacy trust account, \$3,600,000 for fiscal year 2010 and \$2,400,000 for fiscal year 2011 . . . . .	\$6,000,000
State Lottery Account: For transfer to the education legacy trust account, \$9,500,000 for fiscal year 2010 and \$9,500,000 for fiscal year 2011 . . . . .	\$19,000,000
College Faculty Awards Trust Fund: For transfer to the state general fund for fiscal year 2010, an amount not to exceed the actual cash balance of the fund and \$1,957,000 for fiscal year 2011 . . . . .	\$5,957,000
Washington Distinguished Professorship Trust Fund: For transfer to the state general fund for fiscal year 2010, an amount not to exceed the actual cash	

balance of the fund and \$2,966,000 for fiscal year 2011 .....	\$8,966,000
Washington Graduate Fellowship Trust Account:	
For transfer to the state general fund for fiscal year 2010, an amount not to exceed the actual cash balance of the fund and \$1,008,000 for fiscal year 2011 .....	\$3,008,000
GET Ready for Math and Science Scholarship Account:	
For transfer to the state general fund for fiscal year 2010, an amount not to exceed the actual cash balance not comprised of or needed to match private contributions .....	\$1,800,000
Financial Services Regulation Account: For transfer to the state general fund, \$2,000,000 for fiscal year 2010 and \$7,000,000 for fiscal year 2011 .....	\$9,000,000
Data Processing Revolving Fund: For transfer to the state general fund, \$5,632,000 for fiscal year 2010 and \$4,159,000 for fiscal year 2011 .....	\$9,791,000
Public Service Revolving Account: For transfer to the state general fund, \$8,000,000 for fiscal year 2010 and \$7,000,000 for fiscal year 2011 .....	\$15,000,000
Water Quality Capital Account: For transfer to the state general fund, \$278,000 for fiscal year 2011 .....	\$278,000
Performance Audits of Government Account: For transfer to the state general fund, \$10,000,000 for fiscal year 2010 and \$7,000,000 for fiscal year 2011 .....	\$17,000,000
Job Development Account: For transfer to the state general fund, \$20,930,000 for fiscal year 2010 .....	\$20,930,000
Savings Incentive Account: For transfer to the state general fund, \$10,117,000 for fiscal year 2010 and \$32,075,000 for fiscal year 2011 .....	\$42,192,000
Education Savings Account: For transfer to the state general fund, \$90,690,000 for fiscal year 2010 and \$53,384,000 for fiscal year 2011 .....	\$144,074,000
Cleanup Settlement Account: For transfer to the state efficiency and restructuring account for fiscal year 2011 .....	\$39,480,000
Disaster Response Account: For transfer to the state drought preparedness account, \$4,000,000 for fiscal year 2010 .....	\$4,000,000
Washington State Convention and Trade Center Account:	
For transfer to the state general fund, \$10,000,000 for fiscal year 2011. The transfer in this section shall occur on June 30, 2011, only if by that date the Washington state convention and trade center is	

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not transferred to a public facilities district pursuant to Substitute Senate Bill No. 6889 (convention and trade center) . . . . .	\$10,000,000
Institutional Welfare/Betterment Account: For transfer to the state general fund, \$2,000,000 for fiscal year 2010 and \$2,000,000 for fiscal year 2011 . . . . .	\$4,000,000
Future Teacher Conditional Scholarship Account: For transfer to the state general fund, \$2,150,000 for fiscal year 2010 and \$2,150,000 for fiscal year 2011 . . . . .	\$4,300,000
Fingerprint Identification Account: For transfer to the state general fund, \$800,000 for fiscal year 2011 . . . . .	\$800,000
Prevent or Reduce Owner-Occupied Foreclosure Program Account: For transfer to the financial education public-private partnership account for fiscal year 2010, an amount not to exceed the actual cash balance of the fund as of June 30, 2010. . . . .	\$300,000
Nisqually Earthquake Account: For transfer to the state general fund for fiscal year 2011 . . . . .	\$696,000
Disaster Response Account: For transfer to the state general fund for fiscal year 2011 . . . . .	\$14,500,000
Washington Auto Theft Prevention Account: For transfer to the state general fund, \$1,500,000 for fiscal year 2011 . . . . .	\$1,500,000
Tourism Enterprise Account: For transfer to the state general fund, \$590,000 for fiscal year 2011 . . . . .	\$590,000
Tourism Development and Promotion Account: For transfer to the state general fund, \$205,000 for fiscal year 2011 . . . . .	\$205,000
Life Sciences Discovery Fund: For transfer to the basic health plan stabilization account. . . . .	\$6,000,000
Life Sciences Discovery Fund: For transfer to the state general fund for fiscal year 2011 . . . . .	\$2,200,000
Industrial Insurance Premium Refund Account: For transfer to the state general fund, \$4,500,000 for fiscal year 2011 . . . . .	\$4,500,000
Distressed County Assistance Account: For transfer to the state general fund, \$205,000 for fiscal year 2011 . . . . .	\$ 205,000
State Drought Preparedness Account: For transfer to the state general fund, \$4,000,000 for fiscal year 2011 . . . . .	\$4,000,000
Freshwater Aquatic Algae Control Account: For transfer to the state general fund, \$400,000 for fiscal year 2011 . . . . .	\$400,000

Freshwater Aquatic Weeds Account: For transfer to the state general fund, \$300,000 for fiscal year 2011 . . . . . \$300,000  
 Liquor Control Board Construction and Maintenance Account: For transfer to the state general fund for fiscal year 2011 . . . . . \$3,000,000

\*Sec. 7031 was partially vetoed. See message at end of chapter.

**Sec. 7032.** RCW 82.16.020 and 2009 c 469 s 702 are each amended to read as follows:

(1) There is levied and there shall be collected from every person a tax for the act or privilege of engaging within this state in any one or more of the businesses herein mentioned. The tax shall be equal to the gross income of the business, multiplied by the rate set out after the business, as follows:

- (a) Express, sewerage collection, and telegraph businesses: Three and six-tenths percent;
- (b) Light and power business: Three and sixty-two one-hundredths percent;
- (c) Gas distribution business: Three and six-tenths percent;
- (d) Urban transportation business: Six-tenths of one percent;
- (e) Vessels under sixty-five feet in length, except tugboats, operating upon the waters within the state: Six-tenths of one percent;
- (f) Motor transportation, railroad, railroad car, and tugboat businesses, and all public service businesses other than ones mentioned above: One and eight-tenths of one percent;
- (g) Water distribution business: Four and seven-tenths percent;
- (h) Log transportation business: One and twenty-eight one-hundredths percent.

(2) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section.

(3) Twenty percent of the moneys collected under subsection (1) of this section on water distribution businesses and sixty percent of the moneys collected under subsection (1) of this section on sewerage collection businesses shall be deposited in the public works assistance account created in RCW 43.155.050; PROVIDED, That during the fiscal year 2011, twenty percent of the moneys collected under subsection (1) of this section on water distribution businesses and sixty percent of the moneys collected under subsection (1) of this section on sewerage collection businesses must be deposited in the general fund for general purpose expenditures.

**Sec. 7033.** RCW 82.16.020 and 1996 c 150 s 2 are each amended to read as follows:

(1) There is levied and there shall be collected from every person a tax for the act or privilege of engaging within this state in any one or more of the businesses herein mentioned. The tax shall be equal to the gross income of the business, multiplied by the rate set out after the business, as follows:

- (a) Express, sewerage collection, and telegraph businesses: Three and six-tenths percent;
- (b) Light and power business: Three and sixty-two one-hundredths percent;
- (c) Gas distribution business: Three and six-tenths percent;
- (d) Urban transportation business: Six-tenths of one percent;

(e) Vessels under sixty-five feet in length, except tugboats, operating upon the waters within the state: Six-tenths of one percent;

(f) Motor transportation, railroad, railroad car, and tugboat businesses, and all public service businesses other than ones mentioned above: One and eight-tenths of one percent;

(g) Water distribution business: Four and seven-tenths percent.

(2) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section.

(3) Twenty percent of the moneys collected under subsection (1) of this section on water distribution businesses and sixty percent of the moneys collected under subsection (1) of this section on sewerage collection businesses shall be deposited in the public works assistance account created in RCW 43.155.050: PROVIDED, That during the fiscal year 2011, twenty percent of the moneys collected under subsection (1) of this section on water distribution businesses and sixty percent of the moneys collected under subsection (1) of this section on sewerage collection businesses must be deposited in the general fund for general purpose expenditures.

**Sec. 7034.** RCW 82.18.040 and 2000 c 103 s 11 are each amended to read as follows:

Taxes collected under this chapter shall be held in trust until paid to the state. Taxes received by the state shall be deposited in the public works assistance account created in RCW 43.155.050: PROVIDED, That during the fiscal year 2011, taxes received by the state under this chapter must be deposited in the general fund for general purpose expenditures. Any person collecting the tax who appropriates or converts the tax collected shall be guilty of a gross misdemeanor if the money required to be collected is not available for payment on the date payment is due. If a taxpayer fails to pay the tax imposed by this chapter to the person charged with collection of the tax and the person charged with collection fails to pay the tax to the department, the department may, in its discretion, proceed directly against the taxpayer for collection of the tax.

The tax shall be due from the taxpayer within twenty-five days from the date the taxpayer is billed by the person collecting the tax.

The tax shall be due from the person collecting the tax at the end of the tax period in which the tax is received from the taxpayer. If the taxpayer remits only a portion of the total amount billed for taxes, consideration, and related charges, the amount remitted shall be applied first to payment of the solid waste collection tax and this tax shall have priority over all other claims to the amount remitted.

**Sec. 7035.** RCW 82.45.060 and 2005 c 450 s 1 are each amended to read as follows:

There is imposed an excise tax upon each sale of real property at the rate of one and twenty-eight one-hundredths percent of the selling price. An amount equal to six and one-tenth percent of the proceeds of this tax to the state treasurer shall be deposited in the public works assistance account created in RCW 43.155.050: PROVIDED, That during the fiscal year 2011, six and one-tenth percent of the proceeds of this tax must be deposited in the general fund for general purpose expenditures. An amount equal to one and six-tenths percent of



the proceeds of this tax to the state treasurer shall be deposited in the city-county assistance account created in RCW 43.08.290.

**NEW SECTION. Sec. 7036. SALARY ADJUSTMENT**

The appropriations in this act shall be expended solely for the purposes designated in this act and are subject to the following conditions and limitations:

(1) Appropriations in this act are provided solely for a 3.0 percent salary reduction effective July 1, 2011, through June 29, 2013, for all employees of the executive, legislative, and judicial branches, including those employees in the Washington management service, and including employees exempt from merit system rules, except for:

(a) Elected officials whose salaries are set by the commission on salaries for elected officials;

(b) Student employees at state institutions of higher education;

(c) Faculty employees at state institutions of higher education: PROVIDED, HOWEVER, That appropriations to higher education institutions are reduced in an amount reflecting a 3.0 percent reduction in faculty salary expenditures;

(d) Certificated employees of the state school for the blind and the center for childhood deafness and hearing loss;

(e) Commissioned officers of the Washington state patrol represented by the state patrol troopers' association and the Washington state patrol lieutenants' association;

(f) Represented ferry workers of the Washington state department of transportation, provided, however, that other reductions are included in section 504 of the 2011-2013 transportation appropriations act;

(g) Employees whose salary is less than \$2,500 per month; and

(h) Employees as specified in subsection (2) of this section.

(2) For employees subject to the 3.0 percent reduction in salary under subsection (1) of this section employees will receive temporary salary reduction leave of up to 5.2 hours per month. The director of personnel shall adopt rules governing the accrual and use of temporary salary reduction leave.

(3) The department of retirement systems shall include any forgone salary or lost work hours under subsections (1) and (3) of this section in the final average compensation of employees affected for purposes of calculating retirement benefits, as specified in executive request legislation Z-0211.1/11.

(4) The appropriation from dedicated funds and accounts shall be made in the amounts specified and from the dedicated funds and accounts specified in office of financial management document 2011-01, which is hereby incorporated by reference. The office of financial management shall allocate the moneys appropriated in this section in the amounts specified and to the state agencies specified in office of financial management document 2011-01 and adjust appropriation schedules accordingly.

**NEW SECTION. Sec. 7037.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 7038.** Section 7005 of this act expires June 30, 2013.

**Ch. 48 WASHINGTON LAWS, 2011 Sp. Sess.**

NEW SECTION. Sec. 7039. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately, except for sections 7022 through 7025 and 7027 of this act which take effect July 1, 2011.

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Passed by the House May 25, 2011.

Passed by the Senate May 25, 2011.

Approved by the Governor June 15, 2011, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State June 15, 2011.

Note: Governor's explanation of partial veto is as follows:

"I am returning, without my approval as to Sections 5028; 6001; 7018; and 7031, page 83, lines 32-35, and 7031, page 83, line 36, and page 84, lines 1-3 of Engrossed Substitute House Bill 1497 entitled:

"AN ACT Relating to the capital budget."

**Section 5028, page 50, Central Washington University — Combined Utilities**

The appropriation of \$273,000 erroneously references the State Building Construction Account instead of the Central Washington University Building Account. ESHB 1497 is comprised of cash

and dedicated fund sources, and does not otherwise include bond accounts. Therefore, I am vetoing Section 5028 so that the fund source can be corrected in the 2012 supplemental capital budget.

**Section 6001, page 58, Salmon Recovery Funding Board Programs, Termination of Contract for Restoration of Bear River Estuary**

This proviso language conflicts with the existing statutory process for Salmon Recovery Funding Board project review by directing the Board to take action on an existing contract. In addition, the requirement is now moot because the Board terminated this contract in May. For these reasons, I am vetoing Section 6001.

**Section 7018, pages 72-73, Department of Fish and Wildlife Land Transfer**

This proviso requires the Fish and Wildlife Commission to transfer to the City of Olympia its three parcels of property located in downtown Olympia. The Department of General Administration is directed to obtain an appraisal, and negotiate a contract with the City of Olympia to develop a plan for preparing the land for mixed use retail and market rate housing. This requirement precludes the possibility of other parties offering competitive bids for these properties. Therefore, I am vetoing Section 7018.

**Section 7031, page 83, lines 32-35, Treasurer Transfers**

**Section 7031, page 83, line 36, and page 84, lines 1-3, Treasurer Transfers**

The Legislature's reduction of the existing transfers from the State Toxics Control Account and the Local Toxics Control Account to the state General Fund was meant to accompany a statutory change directing toxics account revenues into the General Fund. Because the offsetting statutory change was not made, the transfers in Section 7031 would result in an unintended loss of \$103.5 million to the General Fund. Therefore, I am vetoing Section 7031, page 83, lines 32-35; and Section 7031, page 83, line 36, and page 84, lines 1-3.

For these reasons, I have vetoed Sections 5028; 6001; 7018; and 7031, page 83, lines 32-35, and 7031, page 83, line 36, and page 84, lines 1-3, of Engrossed Substitute House Bill 1497.

With the exception of Sections 5028; 6001; 7018; and 7031, page 83, lines 32-35, and 7031, page 83, line 36, and page 84, lines 1-3, Engrossed Substitute House Bill 1497 is approved."

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## CHAPTER 49

[Engrossed Substitute House Bill 2020]

### 2011-2013 CAPITAL BUDGET—FUNDING FROM GENERAL OBLIGATION AND OTHER BONDS

AN ACT Relating to funding capital projects; amending RCW 43.99Q.130; amending 2009 c 497 ss 1050, 1016, 1017, 1020, 1036, 1041, 1042, 1069, 1076, 1078, 2016, 2025, 2012, 2017, 2041, 2045, 2048, 2043, 2044, 2046, 2049, 2050, 2051, 2052, 2053, 2055, 2056, 2057, 2058, 2062, 2063, 2066, 2074, 2073, 3026, 3011, 3006, 3004, 3008, 3005, 3039, 3055, 3077, 3082, 3135, 3157, 3186, 3174, 3184, 3166, 3175, 3193, 3194, 3195, 3189, 3192, 5015, 5077, 5082, 5144, 5161, 5228, and 5216 (uncodified); amending 2010 1st sp.s. c 36 ss 1001, 1002, 1005, 1003, 1008, 1009, 1011, 1014, 1015, 1016, 1021, 1034, 2006, 2016, 2010, 3015, 3020, 3017, 3024, 5007, 5012, 5041, 5078, and 5080 (uncodified); adding a new section to 2009 c 497 (uncodified); adding a new section to chapter 43.99I RCW; adding a new section to chapter 43.99N RCW; adding a new section to chapter 43.99P RCW; adding a new section to chapter 43.99Q RCW; adding a new chapter to Title 43 RCW; creating new sections; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION. Sec. 1.** (1) The legislature finds that:

(a) The capital budget includes appropriations for the construction and repair of public schools, colleges and universities, prisons and juvenile rehabilitation facilities, state office buildings, housing for low-income and disabled persons, farm workers and others, parks, public infrastructure, and for other capital facilities and programs;

(b) The size of the capital budget is determined by the available bond capacity under the constitutional debt limit and by moneys available from dedicated accounts, trust revenue, and other funding sources;

(c) Approximately half of the capital budget is financed with state-issued general obligation bonds, which pledge the full faith, credit and taxing power of the state toward payment of debt service; and

(d) The capital budget has limited purpose if there is no bond authorization bill to finance appropriations.

(2) The legislature therefore intends to increase the transparency and clarity of the uses and sources of the capital budget for the 2011 supplemental and 2011-2013 fiscal biennium by combining in one bill the authorization of state general obligation bonds with the appropriations that they support.

**NEW SECTION. Sec. 2.** (1) A capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period beginning with the effective date of this act and ending June 30, 2013, out of the several funds specified in this act.

(2) The appropriations in this act are appropriations for capital purposes from proceeds of general obligation and other bonds. Appropriations in this act may not necessarily represent all expenditures authorized for a particular project for the 2011-2013 fiscal biennium. For some projects receiving appropriations in this act, additional appropriations from other sources for those projects may also be contained in chapter . . . ., Laws of 2011 (House Bill No. 1497).

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

(a) "Fiscal year 2012" or "FY 2012" means the period beginning July 1, 2011, and ending June 30, 2012.

(b) "Fiscal year 2013" or "FY 2013" means the period beginning July 1, 2012, and ending June 30, 2013.

(c) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(d) "Provided solely" means the specified amount may be spent only for the specified purpose.

(4) Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose that is not expended subject to the specified conditions and limitations to fulfill the specified purpose shall lapse.

(5) The amounts shown under the headings "Prior Biennia," "Future Biennia," and "Total" in this act are for informational purposes only and do not constitute legislative approval of these amounts. "Prior biennia" typically refers to the immediate prior biennium for reappropriations, but may refer to multiple biennia in the case of specific projects. A "future biennia" amount is an estimate of what may be appropriated for the project or program in the 2011-2013 biennium and the following three biennia; an amount of zero does not necessarily constitute legislative intent to not provide funding for the project or program in the future.

(6) "Reappropriations" in this act are appropriations and, unless the context clearly provides otherwise, are subject to the relevant conditions and limitations

applicable to appropriations. Reappropriations shall be limited to the unexpended balances remaining on June 30, 2011, from the 2009-2011 biennial appropriations for each project.

**PART 1  
GENERAL GOVERNMENT**

**NEW SECTION. Sec. 1001. FOR THE DEPARTMENT OF COMMERCE**

Local and Community Projects (20064008)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1001, chapter 36, Laws of 2010 1st sp. sess.

Reappropriation:

State Building Construction Account—State . . . . .	\$5,052,000
Prior Biennia (Expenditures) . . . . .	\$40,850,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$45,902,000

**NEW SECTION. Sec. 1002. FOR THE DEPARTMENT OF COMMERCE**

Job and Economic Development Grants (20064950)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation in this section is subject to the provisions of section 1002, chapter 36, Laws of 2010 1st sp. sess.

Reappropriation:

State Building Construction Account—State . . . . .	\$4,418,000
Prior Biennia (Expenditures) . . . . .	\$42,523,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$46,941,000

**NEW SECTION. Sec. 1003. FOR THE DEPARTMENT OF COMMERCE**

Jobs in Communities (20064951)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 140, chapter 488, Laws of 2005.

Reappropriation:

State Building Construction Account—State . . . . .	\$1,949,000
Prior Biennia (Expenditures) . . . . .	\$10,301,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$12,250,000

**NEW SECTION. Sec. 1004. FOR THE DEPARTMENT OF COMMERCE**

Public Works Trust Fund (20074005)

**Ch. 49 WASHINGTON LAWS, 2011 Sp. Sess.**

Reappropriation:

State Taxable Building Construction Account—State . . . . .	\$26,742,000
Prior Biennia (Expenditures) . . . . .	\$168,258,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$195,000,000

**NEW SECTION. Sec. 1005. FOR THE DEPARTMENT OF COMMERCE**

Water System Acquisition and Rehabilitation Program (20074006)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1040, chapter 520, Laws of 2007.

Reappropriation:

State Building Construction Account—State . . . . .	\$106,000
Prior Biennia (Expenditures) . . . . .	\$3,550,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$3,656,000

**NEW SECTION. Sec. 1006. FOR THE DEPARTMENT OF COMMERCE**

Housing Assistance, Weatherization, and Affordable Housing (20074009)

Reappropriation:

State Building Construction Account—State . . . . .	\$2,000
State Taxable Building Construction Account—State . . . . .	\$10,688,000
Subtotal Reappropriation . . . . .	\$10,690,000
Prior Biennia (Expenditures) . . . . .	\$176,010,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$186,700,000

**NEW SECTION. Sec. 1007. FOR THE DEPARTMENT OF COMMERCE**

Job Development Fund Grants (20074010)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1032, chapter 520, Laws of 2007 and section 1005, chapter 36, Laws of 2010 1st sp. sess.

Reappropriation:

State Building Construction Account—State . . . . .	\$7,999,000
Prior Biennia (Expenditures) . . . . .	\$40,931,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$48,930,000

**NEW SECTION. Sec. 1008. FOR THE DEPARTMENT OF COMMERCE**

Longview Regional Water Treatment Plant Dredging (20081001)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1016, chapter 328, Laws of 2008.

Reappropriation:

State Building Construction Account—State . . . . .	\$41,000
Prior Biennia (Expenditures) . . . . .	\$109,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$150,000

**NEW SECTION. Sec. 1009. FOR THE DEPARTMENT OF COMMERCE**

Quincy Water Treatment System (20081002)

Reappropriation:

State Building Construction Account—State . . . . .	\$172,000
Prior Biennia (Expenditures) . . . . .	\$4,328,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$4,500,000

**NEW SECTION. Sec. 1010. FOR THE DEPARTMENT OF COMMERCE**

Innovation Partnership Zones (20082003)

Reappropriation:

State Building Construction Account—State . . . . .	\$1,437,000
Prior Biennia (Expenditures) . . . . .	\$3,563,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$5,000,000

**NEW SECTION. Sec. 1011. FOR THE DEPARTMENT OF COMMERCE**

Local and Community Projects (20084001)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The projects must comply with RCW 43.63A.125 and other requirements for community projects administered by the department.

(2) The reappropriation is subject to the provisions of section 1008, chapter 328, Laws of 2008 and section 1003, chapter 36, Laws of 2010 1st sp. sess.

Reappropriation:

State Building Construction Account—State . . . . .	\$18,387,000
Prior Biennia (Expenditures) . . . . .	\$106,757,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$125,144,000

**NEW SECTION. Sec. 1012. FOR THE DEPARTMENT OF COMMERCE**

Community Development Fund (20084850)

**Ch. 49 WASHINGTON LAWS, 2011 Sp. Sess.**

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1006, chapter 36, Laws of 2010 1st sp. sess.

Reappropriation:

State Building Construction Account—State	\$2,507,000
Prior Biennia (Expenditures)	\$18,409,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$20,916,000

**NEW SECTION. Sec. 1013. FOR THE DEPARTMENT OF COMMERCE**

Belfair Sewer Improvements (20084852)

Reappropriation:

State Building Construction Account—State	\$10,294,000
Prior Biennia (Expenditures)	\$6,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,300,000

**NEW SECTION. Sec. 1014. FOR THE DEPARTMENT OF COMMERCE**

Community Schools Program (20084856)

Reappropriation:

State Building Construction Account—State	\$1,116,000
Prior Biennia (Expenditures)	\$3,469,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,585,000

**NEW SECTION. Sec. 1015. FOR THE DEPARTMENT OF COMMERCE**

2008 Local and Community Projects (20084861)

Reappropriation:

State Building Construction Account—State	\$4,418,000
Prior Biennia (Expenditures)	\$13,326,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$17,744,000

**NEW SECTION. Sec. 1016. FOR THE DEPARTMENT OF COMMERCE**

Building for the Arts Grants (30000006)

The reappropriation in this section is subject to the provisions of section 1011, chapter 36, Laws of 2010 1st sp. sess.

Reappropriation:

State Building Construction Account—State	\$6,028,000
Prior Biennia (Expenditures)	\$4,047,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,075,000



**NEW SECTION. Sec. 1017. FOR THE DEPARTMENT OF COMMERCE**

Youth Recreational Facilities Grants (30000007)

Reappropriation:

State Building Construction Account—State . . . . .	\$2,774,000
Prior Biennia (Expenditures) . . . . .	\$3,776,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$6,550,000

**NEW SECTION. Sec. 1018. FOR THE DEPARTMENT OF COMMERCE**

Building Communities Fund Grants (30000008)

Reappropriation:

State Building Construction Account—State . . . . .	\$5,203,000
Prior Biennia (Expenditures) . . . . .	\$21,917,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$27,120,000

**NEW SECTION. Sec. 1019. FOR THE DEPARTMENT OF COMMERCE**

Innovation Partnership Zones (30000012)

Reappropriation:

State Building Construction Account—State . . . . .	\$1,250,000
Prior Biennia (Expenditures) . . . . .	\$250,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1,500,000

**NEW SECTION. Sec. 1020. FOR THE DEPARTMENT OF COMMERCE**

Housing Assistance, Weatherization, and Affordable Housing (30000013)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 1012, chapter 36, Laws of 2010 1st sp. sess.

Reappropriation:

State Building Construction Account—State . . . . .	\$12,851,000
State Taxable Building Construction Account—State . . . . .	\$40,700,000
Subtotal Reappropriation . . . . .	\$53,551,000
Prior Biennia (Expenditures) . . . . .	\$66,449,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$120,000,000

**NEW SECTION. Sec. 1021. FOR THE DEPARTMENT OF COMMERCE**

Local and Community Projects (30000019)

**Ch. 49 WASHINGTON LAWS, 2011 Sp. Sess.**

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to section 1014, chapter 36, Laws of 2010 1st sp. sess.

Reappropriation:

State Building Construction Account—State . . . . .	\$7,825,000
Prior Biennia (Expenditures) . . . . .	\$12,320,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$20,145,000

**NEW SECTION. Sec. 1022. FOR THE DEPARTMENT OF COMMERCE**

2010 Local and Community Projects (30000082)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1015, chapter 36, Laws of 2010 1st sp. sess.

Reappropriation:

State Building Construction Account—State . . . . .	\$12,108,000
Prior Biennia (Expenditures) . . . . .	\$2,022,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$14,130,000

**NEW SECTION. Sec. 1023. FOR THE DEPARTMENT OF COMMERCE**

Community Schools (91000002)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1013, chapter 36, Laws of 2010 1st sp. sess.

Reappropriation:

State Building Construction Account—State . . . . .	\$3,280,000
Prior Biennia (Expenditures) . . . . .	\$3,220,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$6,500,000

**NEW SECTION. Sec. 1024. FOR THE DEPARTMENT OF COMMERCE**

Temporary Public Works Grant Program (92000021)

The reappropriation in this section is subject to the provisions of section 1050, chapter 497, Laws of 2009.

Reappropriation:

State Building Construction Account—State . . . . .	\$17,106,000
State Taxable Building Construction Account—State . . . . .	\$1,298,000
Subtotal Reappropriation . . . . .	\$18,404,000
Prior Biennia (Expenditures) . . . . .	\$23,936,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$42,340,000

**NEW SECTION. Sec. 1025. FOR THE DEPARTMENT OF COMMERCE**

Jobs Act for K-12 Public Schools & Higher Education Institutions (91000085)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1016, chapter 36, Laws of 2010 1st sp. sess.

Reappropriation:

State Building Construction Account—State . . . . .	\$44,630,000
Prior Biennia (Expenditures) . . . . .	\$179,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$44,809,000

**NEW SECTION. Sec. 1026. FOR THE DEPARTMENT OF COMMERCE**

Housing Assistance, Weatherization, Affordable Housing Trust Fund (30000098)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,000,000 of the appropriation is provided solely to construct or rehabilitate facilities to house homeless veterans. The department must consult with the department of veterans affairs and must use these funds as matching resources for funds available from the federal veterans administration and the department of housing and urban development.

(2) \$3,000,000 of the appropriation is provided solely to promote development of safe and affordable housing units for persons eligible for services from the division of developmental disabilities within the department of social and health services.

(3) \$6,000,000 of the appropriation is provided solely for weatherization administered through the energy matchmakers program.

(4) \$3,000,000 of the appropriation is provided solely for facilities to house low-income migrant, seasonal, or temporary farmworkers. The department shall work with the farmworker housing advisory committee to prioritize funding of projects to the areas of highest need.

(5) \$3,000,000 of the appropriation is provided solely to build low-income housing units in underserved communities and to concurrently develop capacity in these same communities. Underserved communities of concern are those that have high levels of poverty, specifically, thirty percent of the local median income; experience chronic homelessness; and lack affordable housing. Underserved communities include veterans, immigrants, refugees, and those communities of color disproportionately impacted by chronic homelessness and lack of affordable housing. The department must collaborate with representatives of underserved communities and organizations committed to assistance in these efforts to prioritize and plan distribution of funding.

(6) For counties with populations exceeding one million five hundred thousand during the 2011-2013 fiscal biennium, allocation of funds provided in

**Ch. 49 WASHINGTON LAWS, 2011 Sp. Sess.**

this section shall account for local policies related to affordable housing as required by chapter 36.70A RCW.

Appropriation:

State Taxable Building Construction Account—	
State .....	\$50,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$163,200,000
TOTAL .....	\$213,200,000

**NEW SECTION. Sec. 1027. FOR THE DEPARTMENT OF COMMERCE**

Building Communities Fund Grants (30000102)

The appropriation in this section is subject to the following conditions and limitations:

(1) Except as directed otherwise prior to the effective date of this section, the department shall not expend the appropriation in this section unless and until the nonstate share of project costs have been either expended, or firmly committed, or both, in an amount sufficient to complete the projects or a distinct phase of the project that is useable to the public for this purpose intended by the legislature.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of ten years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations whose sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only, and shall not be advanced under any circumstances.

(5) Projects funded in this section must be held by the recipient for a minimum of ten years and used for the same purpose or purposes intended by the legislature as required in RCW 43.63A.125(6).

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) The appropriation is provided solely for the following list of projects:

Project	Authorized Amount
Serenity House of Clallam County	\$52,000
Boys & Girls Clubs of King County	\$316,000
YMCA of Pierce and Kitsap Counties	\$1,250,000
Jewish Family Service	\$2,313,000
Low Income Housing Institute	\$313,000

The Salvation Army	\$56,000
Share	\$581,000
Navos	\$2,500,000
Kitsap Community Resources	\$600,000
Transitions	\$109,000
Boys & Girls Clubs of the Columbia Basin	\$648,000
Village Green Foundation	\$1,029,000
Community Action Council of LMT	\$95,000
United Way of Kitsap County	\$605,000
ARC of Spokane	\$862,000
Dynamic Family Services	\$575,000
University District Food Bank	\$573,000
Total	\$12,327,000

Appropriation:

State Building Construction Account—	
State .....	\$12,327,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$56,000,000
TOTAL .....	\$68,327,000

**NEW SECTION. Sec. 1028. FOR THE DEPARTMENT OF COMMERCE**

Local and Community Projects (30000166)

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as directed otherwise prior to the effective date of this section, the department shall not expend the appropriations in this section unless and until the nonstate share of project costs have been either expended, or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of ten years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations whose sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only, and shall not be advanced under any circumstances.

(5) Projects funded in this section must be held by the recipient for a minimum of ten years and used for the same purpose or purposes intended by the legislature as required in RCW 43.63A.125(6).

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) The appropriation in this section for the Roslyn Renaissance project is subject to the following conditions and limitations: It is the intent of this appropriation to undertake a feasibility study of structural and program integrity of historic buildings including (a) the northwest improvement company store, (b) the Sylvia's house, and (c) vacant commercial lots within the city of Roslyn. The study will analyze the adaptability of relocating the city offices to the renovated city hall building. The Roslyn downtown association shall submit the completed study to the department by July 1, 2012, including a detailed cost estimate for the property acquisition and redevelopment, and a capital fundraising plan to support the acquisitions through multiple funding sources.

(8) The appropriation is provided solely for the following list of projects:

Project	Authorized Amount
Adna Athletic and Fitness Facility	\$80,000
American Lake Veterans' Golf Course	\$250,000
Anacortes Depot	\$380,000
Bothell North Creek Forest Land Acquisition	\$200,000
Boys and Girls Federal Way	\$50,000
Bucoda Odd Fellows Community Center	\$150,000
Central WA State Fair Association	\$35,000
City of Kirkland Athletic Fields	\$150,000
Colville Tribal Museum	\$250,000
Daybreak Youth Services Pre-Construction Activities	\$100,000
Dekalb Pier Project	\$700,000
Gig Harbor Maritime Pier	\$390,000
Grays Harbor Historical Seaport Lady Washington Rehabilitation	\$169,000
Legion Park Visitors Center and Trailhead Project	\$110,000
Match FEMA funds for Sprague Response Center	\$300,000
North Mason Senior Center	\$1,360,000
Port of Bremerton	\$1,100,000
Puyallup Transit Oriented Development	\$1,500,000
Redmond Central Connector	\$850,000
Roslyn Renaissance	\$300,000
Seattle Children's Hospital Emergency Department	\$1,000,000
Skagit Valley Hospital	\$750,000

South Tacoma Community Center Playground	\$380,000
Spokane Food Bank Distribution Center Capacity and Renovation	\$1,250,000
Spokane Valley Partners Boiler Replacement	\$100,000
Sultan Boys and Girls Club	\$500,000
Tacoma Hilltop Health Center	\$1,500,000
The Arc of Tri-Cities Facility	\$350,000
Traumatic Brain Injury Center	\$900,000
Vancouver Waterfront Park Pre-Construction Activities	\$500,000
Veteran's Memorial	\$210,000
West Hill Skyway Redevelopment	\$750,000
YWCA Yakima	\$203,000
Total	\$16,817,000

Appropriation:

State Building Construction Account—State . . . . .	\$16,817,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$16,817,000

**NEW SECTION. Sec. 1029. FOR THE DEPARTMENT OF COMMERCE**

Youth Recreational Facilities Grants (30000100)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation is subject to the provisions of RCW 43.63A.135.
- (2) The appropriation is provided solely for the following list of projects:

Project	Authorized Amount
Little Bit Therapeutic Riding Center	\$560,000
Boys & Girls Clubs of King County - Mercer Island PEAK	\$800,000
Boys & Girls Clubs of Thurston County	\$163,000
YMCA of Pierce and Kitsap Counties	\$800,000
YMCA of Greater Seattle	\$800,000
Boys & Girls Clubs of King County - Ballard Boys & Girls Club Addition	\$475,000
Boys & Girls Clubs of the Columbia Basin	\$629,000
Boys & Girls Clubs of Whatcom County	\$26,000
Total	\$4,253,000

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Appropriation:

State Building Construction Account—State .....	\$4,253,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$24,000,000
TOTAL.....	\$28,253,000

**NEW SECTION. Sec. 1030. FOR THE DEPARTMENT OF COMMERCE**

Building for the Arts Grants (30000101)

The appropriation in this section is subject to the following conditions and limitations:

(1) Except as directed otherwise prior to the effective date of this section, the department shall not expend the appropriation in this section unless and until the nonstate share of project costs have been either expended, or firmly committed, or both, in an amount sufficient to complete the projects or a distinct phase of the project that is useable to the public for this purpose intended by the legislature.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of ten years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations whose sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only, and shall not be advanced under any circumstances.

(5) Projects funded in this section must be held by the recipient for a minimum of ten years and used for the same purpose or purposes intended by the legislature as required in RCW 43.63A.125(6).

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) The appropriation is provided solely for the following list of projects:

Project	Authorized Amount
Bainbridge Art Museum	\$518,000
Community Theatre, Inc.	\$91,000
Coyote Central	\$243,000
Harrington Opera House	\$66,000
Olympia Little Theatre	\$44,000
Seattle Musical Theatre	\$163,000
SIFF	\$491,000



Studio East Training for the Performing Arts/Studio	\$100,000
Taproot Theatre Company	\$570,000
Town Hall Association dba Town Hall Seattle	\$70,000
Velocity Dance Center	\$106,000
Total	\$2,462,000

Appropriation:

State Building Construction Account—State	\$2,462,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$29,506,000
TOTAL	\$31,968,000

**NEW SECTION. Sec. 1031. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Oversight of State Facilities (91000002)

Appropriation:

State Building Construction Account—State	\$1,400,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$6,600,000
TOTAL	\$8,000,000

**NEW SECTION. Sec. 1032. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Cowlitz River Dredging (20082856)

Reappropriation:

State Building Construction Account—State	\$856,000
Prior Biennia (Expenditures)	\$644,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,500,000

**NEW SECTION. Sec. 1033. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Catastrophic Flood Relief (20084850)

(1) The appropriations in this section are subject to the following conditions and limitations:

(a) \$1,320,000 of the appropriations are provided solely for the Chehalis basin flood control authority or other local flood districts (i) to study, develop, construct, maintain, operate, and fund flood control measures throughout the basin, (ii) to complete by December 2011 the ongoing study of the effect of possible retention structures on fish in the basin, and (iii) to complete the hydraulic model for the Chehalis river to calculate flood levels, flood damages, and benefits of proposed flood mitigation projects for the lower portions of the river; and

(b) \$1,200,000 of the appropriations are provided solely for nonfederal matching funds and state agency costs associated with the United States army corps of engineers flood hazard mitigation projects for the Chehalis river basin.

(2) By July 2012, the office of financial management, in collaboration with the department of transportation and the department of ecology, and affected and interested federal agencies, tribal governments and local governments, must provide a report to the governor and legislature that identifies recommended priority flood hazard mitigation projects in the Chehalis river basin for continued feasibility and design work. The report must:

(a) Address the potential for flood mitigation through upstream water retention facilities, including benefits and impacts to fish and potential mitigation of impacts;

(b) Describe the current alignment and design of the federal flood levees proposed at Centralia and Chehalis, including extent of protection provided to these communities, and any upstream or downstream effects of the levees;

(c) Evaluate alternative projects that could protect the interstate highway and the municipal airport at Centralia and Chehalis, and ensure access to medical and other critical community facilities during flood events;

(d) Discuss other alternatives that could provide flood relief and protection in the basin, such as replacement of highway bridges that constrain flood waters, flood easements on agricultural lands, livestock evacuation facilities and routes, small-scale water diversion and retention, use of riparian habitat and environmental restoration projects to mitigate damages from flood waters, and other projects or programs;

(e) Summarize the benefits and costs of recommended projects, using available information and accepted benefit/cost methods; and

(f) Identify the responsible parties and procedures for making final decisions on funding, construction and governance of recommended flood projects, any related and necessary government agreements, and a schedule for these decisions.

(3) It is the intent of the legislature to fulfill the commitment of section 101, chapter 179, Laws of 2008 and chapter 180, Laws of 2008, by appropriating funds when the federal match requirement is needed.

Reappropriation:

State Building Construction Account—State . . . . . \$2,980,000

Appropriation:

State Building Construction Account—State . . . . . \$895,000

Prior Biennia (Expenditures) . . . . . \$5,610,000

Future Biennia (Projected Costs) . . . . . \$40,515,000

TOTAL . . . . . \$50,000,000

**NEW SECTION. Sec. 1034. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Graving Dock Settlement (20084001)

Appropriation:

State Building Construction Account—State . . . . . \$140,000

Prior Biennia (Expenditures) . . . . . \$15,760,000

Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$15,900,000

**NEW SECTION. Sec. 1035. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Emergency Repairs (30000027)

The appropriations in this section are subject to the following conditions and limitations: Emergency funds shall not be allotted until an emergency declaration signed by the affected agency director, a scope of work, and cost estimate are approved by the office of financial management. Emergency funds may only be used for unexpected building or grounds failures that will impact public health and safety, or the day-to-day operations of the facility. The office of financial management shall report to the house capital budget committee and senate ways and means committee annually on the approved emergency projects.

Appropriation:

State Building Construction Account—State . . . . . \$8,183,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$8,183,000

**NEW SECTION. Sec. 1036. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Bid Savings Contingency Pool (92000002)

Appropriation:

State Building Construction Account—State . . . . . \$6,500,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$6,500,000

**NEW SECTION. Sec. 1037. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

O'Brien Building Improvements (20081007)

The reappropriation in this section is subject to the following conditions and limitations: Upon completion of the project, temporary modular buildings shall be removed, and the parking lot shall be restored and landscaped within budget.

Reappropriation:

State Building Construction Account—State . . . . . \$8,257,000  
 Prior Biennia (Expenditures) . . . . . \$2,944,000  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$11,201,000

**NEW SECTION. Sec. 1038. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Capitol Campus High Voltage System Improvements (20081010)

Reappropriation:

State Building Construction Account—State . . . . . \$111,000

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Prior Biennia (Expenditures) . . . . . \$2,093,000  
Future Biennia (Projected Costs) . . . . . \$0  
TOTAL . . . . . \$2,204,000

**NEW SECTION. Sec. 1039. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Legislative Building Improvements (20081011)

Reappropriation:

State Building Construction Account—State . . . . . \$92,000  
  
Prior Biennia (Expenditures) . . . . . \$1,659,000  
Future Biennia (Projected Costs) . . . . . \$0  
TOTAL . . . . . \$1,751,000

**NEW SECTION. Sec. 1040. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Minor Works Preservation (30000012)

Reappropriation:

State Building Construction Account—State . . . . . \$868,000  
  
Prior Biennia (Expenditures) . . . . . \$2,532,000  
Future Biennia (Projected Costs) . . . . . \$0  
TOTAL . . . . . \$3,400,000

**NEW SECTION. Sec. 1041. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Emergency Repairs (30000033)

Reappropriation:

State Building Construction Account—State . . . . . \$400,000  
  
Prior Biennia (Expenditures) . . . . . \$2,100,000  
Future Biennia (Projected Costs) . . . . . \$0  
TOTAL . . . . . \$2,500,000

**NEW SECTION. Sec. 1042. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Powerhouse: Improvements and Preservation (30000056)

Reappropriation:

State Building Construction Account—State . . . . . \$815,000  
  
Prior Biennia (Expenditures) . . . . . \$425,000  
Future Biennia (Projected Costs) . . . . . \$0  
TOTAL . . . . . \$1,240,000

**NEW SECTION. Sec. 1043. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Facility Oversight Program: Staffing (91000003)

Appropriation:

State Building Construction Account—State . . . . . \$520,000  
  
Prior Biennia (Expenditures) . . . . . \$0  
Future Biennia (Projected Costs) . . . . . \$0

TOTAL .....\$520,000

**NEW SECTION. Sec. 1044. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Transportation Building Preservation (20021008)

Reappropriation:

State Building Construction Account—State ..... \$924,000

Prior Biennia (Expenditures) ..... \$8,692,000

Future Biennia (Projected Costs) ..... \$12,000,000

TOTAL ..... \$21,616,000

**NEW SECTION. Sec. 1045. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Minor Works Preservation (30000550)

Appropriation:

State Building Construction Account—State ..... \$2,334,000

Prior Biennia (Expenditures) ..... \$0

Future Biennia (Projected Costs) ..... \$14,420,000

TOTAL ..... \$16,754,000

**NEW SECTION. Sec. 1046. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Engineering and Architectural Services: Staffing (91000005)

Appropriation:

State Building Construction Account—State ..... \$5,282,000

Prior Biennia (Expenditures) ..... \$0

Future Biennia (Projected Costs) ..... \$34,250,000

TOTAL ..... \$39,532,000

**NEW SECTION. Sec. 1047. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Natural Resource Building Roof Replacement and Exterior Foam Insulation System Repairs (30000546)

Appropriation:

State Building Construction Account—State ..... \$4,482,000

Prior Biennia (Expenditures) ..... \$0

Future Biennia (Projected Costs) ..... \$0

TOTAL ..... \$4,482,000

**NEW SECTION. Sec. 1048. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Legislative Building Critical Exterior Repairs (30000577)

Appropriation:

State Building Construction Account—State ..... \$956,000

Prior Biennia (Expenditures) ..... \$0

Future Biennia (Projected Costs) ..... \$3,270,000

TOTAL ..... \$4,226,000

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**NEW SECTION. Sec. 1049. FOR THE MILITARY DEPARTMENT**

Minor Works Preservation (30000002)

Reappropriation:

State Building Construction Account—State	\$346,000
Prior Biennia (Expenditures)	\$1,363,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,709,000

**NEW SECTION. Sec. 1050. FOR THE MILITARY DEPARTMENT**

Minor Works Preservation (30000560)

Appropriation:

State Building Construction Account—State	\$1,198,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$7,384,000
TOTAL	\$8,582,000

**NEW SECTION. Sec. 1051. FOR THE DEPARTMENT OF  
ARCHAEOLOGY AND HISTORIC PRESERVATION**

Historic Barn Preservation (20084851)

Reappropriation:

State Building Construction Account—State	\$297,000
Prior Biennia (Expenditures)	\$503,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$800,000

**NEW SECTION. Sec. 1052. FOR THE DEPARTMENT OF  
ARCHAEOLOGY AND HISTORIC PRESERVATION**

Courthouse Preservation (30000004)

Reappropriation:

State Building Construction Account—State	\$1,963,000
Prior Biennia (Expenditures)	\$37,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000

**NEW SECTION. Sec. 1053. FOR THE DEPARTMENT OF  
ARCHAEOLOGY AND HISTORIC PRESERVATION**

Heritage Barn Preservation Program (30000005)

Appropriation:

State Building Construction Account—State	\$200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$200,000

**NEW SECTION. Sec. 1054. FOR THE DEPARTMENT OF  
ARCHAEOLOGY AND HISTORIC PRESERVATION**

Courthouse Preservation (30000006)

Appropriation:

State Building Construction Account—State . . . . .	\$750,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$750,000

**PART 2  
HUMAN SERVICES**

**NEW SECTION. Sec. 2001. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**

Fire Alarm Replacement (30000004)

Appropriation:

State Building Construction Account—State . . . . .	\$200,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$200,000

**NEW SECTION. Sec. 2002. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Special Commitment Center: Utility Replacements (20081504)

Reappropriation:

State Building Construction Account—State . . . . .	\$4,193,000
Prior Biennia (Expenditures) . . . . .	\$1,813,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$6,006,000

**NEW SECTION. Sec. 2003. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Minor Works Preservation: Health, Safety, and Code Requirements (30000366)

Reappropriation:

State Building Construction Account—State . . . . .	\$2,201,000
Prior Biennia (Expenditures) . . . . .	\$449,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$2,650,000

**NEW SECTION. Sec. 2004. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Minor Works Preservation: Infrastructure Preservation (30000367)

Reappropriation:

State Building Construction Account—State . . . . .	\$1,195,000
Prior Biennia (Expenditures) . . . . .	\$1,125,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$2,320,000

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**NEW SECTION. Sec. 2005. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Minor Works Preservation: Facilities Preservation (30000368)

Reappropriation:

State Building Construction Account—State . . . . .	\$3,951,000
Prior Biennia (Expenditures) . . . . .	\$1,639,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$5,590,000

**NEW SECTION. Sec. 2006. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Echo Glen Children's Center: Portable Classroom Replacement (30000844)

Reappropriation:

State Building Construction Account—State . . . . .	\$751,000
Prior Biennia (Expenditures) . . . . .	\$99,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$850,000

**NEW SECTION. Sec. 2007. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Eastern State Hospital: Westlake Building Renovation (30000852)

Appropriation:

State Building Construction Account—State . . . . .	\$1,035,000
Prior Biennia (Expenditures) . . . . .	\$840,000
Future Biennia (Projected Costs) . . . . .	\$1,100,000
TOTAL . . . . .	\$2,975,000

**NEW SECTION. Sec. 2008. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Capacity to Replace Maple Lane School (92000005)

Reappropriation:

State Building Construction Account—State . . . . .	\$1,635,000
Prior Biennia (Expenditures) . . . . .	\$462,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$2,097,000

**NEW SECTION. Sec. 2009. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Minor Works Preservation: Health, Safety, and Code Requirements (30001264)

Appropriation:

State Building Construction Account—State . . . . .	\$3,500,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$14,000,000
TOTAL . . . . .	\$17,500,000



**NEW SECTION, Sec. 2010. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Minor Works Preservation: Infrastructure Preservation (30001290)

Appropriation:

State Building Construction Account—State . . . . .	\$4,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$20,000,000
TOTAL . . . . .	\$24,000,000

**NEW SECTION, Sec. 2011. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Minor Works Preservation: Facilities Preservation (30001291)

Appropriation:

State Building Construction Account—State . . . . .	\$4,861,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$40,000,000
TOTAL . . . . .	\$44,861,000

**NEW SECTION, Sec. 2012. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Hazards Abatement and Demolition (30002221)

Appropriation:

State Building Construction Account—State . . . . .	\$1,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$2,000,000
TOTAL . . . . .	\$3,000,000

**NEW SECTION, Sec. 2013. FOR THE DEPARTMENT OF HEALTH**

Public Health Laboratory: Addition (20082003)

Reappropriation:

State Building Construction Account—State . . . . .	\$5,561,000
Prior Biennia (Expenditures) . . . . .	\$4,616,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$10,177,000

**NEW SECTION, Sec. 2014. FOR THE DEPARTMENT OF HEALTH**

Public Health Laboratory: HVAC Systems Upgrades (20081002)

Reappropriation:

State Building Construction Account—State . . . . .	\$4,439,000
Prior Biennia (Expenditures) . . . . .	\$473,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$4,912,000

**NEW SECTION, Sec. 2015. FOR THE DEPARTMENT OF HEALTH**

Minor Works Preservation: Facility Preservation (30000027)

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Appropriation:

State Building Construction Account—State	\$380,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$1,200,000
TOTAL	\$1,580,000

**NEW SECTION. Sec. 2016. FOR THE DEPARTMENT OF HEALTH**

Drinking Water Grants: Tulalip Water Supply and Hanson Harbor (92000001)

The appropriation in this section is subject to the following conditions and limitations: \$699,000 of the appropriation is provided solely for the Hanson Harbor water supply project. \$2,500,000 of the appropriation is provided solely for the Tulalip water supply pipeline.

Appropriation:

State Building Construction Account—State	\$3,199,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,199,000

**NEW SECTION. Sec. 2017. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

Walla Walla Nursing Facility (20082008)

Appropriation:

State Building Construction Account—State	\$2,400,000
Prior Biennia (Expenditures)	\$125,000
Future Biennia (Projected Costs)	\$29,141,000
TOTAL	\$31,666,000

**NEW SECTION. Sec. 2018. FOR THE DEPARTMENT OF CORRECTIONS**

Clallam Bay Corrections Center: Install Close Custody Slider Doors (20062070)

Reappropriation:

State Building Construction Account—State	\$881,000
Prior Biennia (Expenditures)	\$2,029,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,910,000

**NEW SECTION. Sec. 2019. FOR THE DEPARTMENT OF CORRECTIONS**

Monroe Correctional Complex: Close Sewer Lagoon (20082022)

Reappropriation:

State Building Construction Account—State	\$798,000
Prior Biennia (Expenditures)	\$593,000
Future Biennia (Projected Costs)	\$8,024,000
TOTAL	\$9,415,000

**NEW SECTION. Sec. 2020. FOR THE DEPARTMENT OF CORRECTIONS**

Statewide Minor Works: Infrastructure Preservation (30000016)

Reappropriation:

State Building Construction Account—State . . . . .	\$456,000
Prior Biennia (Expenditures) . . . . .	\$990,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1,446,000

**NEW SECTION. Sec. 2021. FOR THE DEPARTMENT OF CORRECTIONS**

Statewide Minor Works: Health, Safety, and Code Requirements (30000047)

Reappropriation:

State Building Construction Account—State . . . . .	\$1,721,000
Prior Biennia (Expenditures) . . . . .	\$888,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$2,609,000

**NEW SECTION. Sec. 2022. FOR THE DEPARTMENT OF CORRECTIONS**

Statewide Minor Works: Facility Preservation (30000086)

Reappropriation:

State Building Construction Account—State . . . . .	\$1,902,000
Prior Biennia (Expenditures) . . . . .	\$955,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$2,857,000

**NEW SECTION. Sec. 2023. FOR THE DEPARTMENT OF CORRECTIONS**

Clallam Bay Corrections Center: Replace 5 Towers and Housing Roofs (30000108)

The appropriations in this section are subject to the following conditions and limitations: The funding is provided solely for the replacement of roofs on offender housing units.

Reappropriation:

State Building Construction Account—State . . . . .	\$1,102,000
Prior Biennia (Expenditures) . . . . .	\$1,448,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$2,550,000

**NEW SECTION. Sec. 2024. FOR THE DEPARTMENT OF CORRECTIONS**

Washington Corrections Center: Replace Fire Detection/Suppression (30000123)

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Reappropriation:  
State Building Construction Account—State . . . . . \$500,000  
Prior Biennia (Expenditures) . . . . . \$398,000  
Future Biennia (Projected Costs) . . . . . \$0  
TOTAL . . . . . \$898,000

**NEW SECTION. Sec. 2025. FOR THE DEPARTMENT OF CORRECTIONS**

Monroe Correctional Complex: Water Line Replacements (30000137)

Reappropriation:  
State Building Construction Account—State . . . . . \$1,338,000  
Prior Biennia (Expenditures) . . . . . \$200,000  
Future Biennia (Projected Costs) . . . . . \$0  
TOTAL . . . . . \$1,538,000

**NEW SECTION. Sec. 2026. FOR THE DEPARTMENT OF CORRECTIONS**

Statewide Minor Works: Programmatic Projects (30000173)

Reappropriation:  
State Building Construction Account—State . . . . . \$2,559,000  
Prior Biennia (Expenditures) . . . . . \$1,175,000  
Future Biennia (Projected Costs) . . . . . \$0  
TOTAL . . . . . \$3,734,000

**NEW SECTION. Sec. 2027. FOR THE DEPARTMENT OF CORRECTIONS**

Washington State Penitentiary: Housing Units, Kitchen and Site Work (30000482)

Reappropriation:  
State Building Construction Account—State . . . . . \$5,810,000  
Public Safety Reimbursable Bond Account—State . . . . . \$546,000  
Subtotal Reappropriation . . . . . \$6,356,000

Appropriation:  
State Building Construction Account—State . . . . . \$42,453,000  
Prior Biennia (Expenditures) . . . . . \$463,000  
Future Biennia (Projected Costs) . . . . . \$0  
TOTAL . . . . . \$49,272,000

**NEW SECTION. Sec. 2028. FOR THE DEPARTMENT OF CORRECTIONS**

Westside Corrections Complex: Siting and Predesign (92000032)

Reappropriation:  
State Building Construction Account—State . . . . . \$2,327,000  
Prior Biennia (Expenditures) . . . . . \$273,000  
Future Biennia (Projected Costs) . . . . . \$0  
TOTAL . . . . . \$2,600,000

**NEW SECTION. Sec. 2029. FOR THE DEPARTMENT OF CORRECTIONS**

Washington Corrections Center: Regional Infrastructure (20042008)

Reappropriation:

State Building Construction Account—State . . . . .	\$655,000
Prior Biennia (Expenditures) . . . . .	\$14,974,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$15,629,000

**NEW SECTION. Sec. 2030. FOR THE DEPARTMENT OF CORRECTIONS**

Monroe Correctional Complex: Special Offender Unit Core Building and Wings Roofing (30000528)

Appropriation:

State Building Construction Account—State . . . . .	\$2,822,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$2,822,000

**NEW SECTION. Sec. 2031. FOR THE DEPARTMENT OF CORRECTIONS**

Statewide: Minor Works Preservation: Infrastructure Preservation (30000539)

Appropriation:

State Building Construction Account—State . . . . .	\$2,500,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$9,827,000
TOTAL . . . . .	\$12,327,000

**NEW SECTION. Sec. 2032. FOR THE DEPARTMENT OF CORRECTIONS**

Statewide: Minor Works Preservation: Facility Preservation (30000540)

Appropriation:

State Building Construction Account—State . . . . .	\$2,500,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$72,978,000
TOTAL . . . . .	\$75,478,000

**NEW SECTION. Sec. 2033. FOR THE DEPARTMENT OF CORRECTIONS**

Statewide: Minor Works Preservation: Health, Safety, and Code Requirements (30000541)

Appropriation:

State Building Construction Account—State . . . . .	\$2,600,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$10,490,000

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TOTAL ..... \$13,090,000

**NEW SECTION. Sec. 2034. FOR THE DEPARTMENT OF CORRECTIONS**

New Prison Reception Center (30000570)

Appropriation:

State Building Construction Account—State ..... \$6,200,000

Prior Biennia (Expenditures) ..... \$0

Future Biennia (Projected Costs) ..... \$246,181,000

TOTAL ..... \$252,381,000

**PART 3  
NATURAL RESOURCES**

**NEW SECTION. Sec. 3001. FOR THE DEPARTMENT OF ECOLOGY**

Water Supply Facilities (19742006)

Reappropriation:

State and Local Improvements Revolving Account

(Water Supply Facilities)—State ..... \$1,792,000

Prior Biennia (Expenditures) ..... \$18,406,000

Future Biennia (Projected Costs) ..... \$0

TOTAL ..... \$20,198,000

**NEW SECTION. Sec. 3002. FOR THE DEPARTMENT OF ECOLOGY**

Twin Lake Aquifer Recharge Project (20042951)

Reappropriation:

State Building Construction Account—State ..... \$343,000

Prior Biennia (Expenditures) ..... \$407,000

Future Biennia (Projected Costs) ..... \$0

TOTAL ..... \$750,000

**NEW SECTION. Sec. 3003. FOR THE DEPARTMENT OF ECOLOGY**

Water Supply Facilities (20044006)

Reappropriation:

State Building Construction Account—State ..... \$329,000

State and Local Improvements Revolving Account

(Water Supply Facilities)—State ..... \$87,000

Subtotal Reappropriation ..... \$416,000

Prior Biennia (Expenditures) ..... \$13,102,000

Future Biennia (Projected Costs) ..... \$0

TOTAL ..... \$13,518,000

**NEW SECTION. Sec. 3004. FOR THE DEPARTMENT OF ECOLOGY**

Water Conveyance Infrastructure Projects (20052850)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 322, chapter 488, Laws of 2005.

Reappropriation:

State Building Construction Account—State . . . . .	\$1,569,000
Prior Biennia (Expenditures) . . . . .	\$4,212,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$5,781,000

**NEW SECTION. Sec. 3005. FOR THE DEPARTMENT OF ECOLOGY**

Sunnyside Valley Irrigation District Water Conservation (20052851)

Reappropriation:

State Building Construction Account—State . . . . .	\$1,968,000
Prior Biennia (Expenditures) . . . . .	\$12,229,000
Future Biennia (Projected Costs) . . . . .	\$4,900,000
TOTAL . . . . .	\$19,097,000

**NEW SECTION. Sec. 3006. FOR THE DEPARTMENT OF ECOLOGY**

Quad Cities Water Right Mitigation (20052852)

Reappropriation:

State Building Construction Account—State . . . . .	\$1,325,000
Prior Biennia (Expenditures) . . . . .	\$275,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1,600,000

**NEW SECTION. Sec. 3007. FOR THE DEPARTMENT OF ECOLOGY**

Watershed Plan Implementation and Flow Achievement (20062003)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 136, chapter 371, Laws of 2006.

Reappropriation:

State Building Construction Account—State . . . . .	\$1,196,000
Prior Biennia (Expenditures) . . . . .	\$11,604,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$12,800,000

**NEW SECTION. Sec. 3008. FOR THE DEPARTMENT OF ECOLOGY**

Columbia River Basin Water Supply Development Program (20062950)

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$1,000,000 of the appropriation is provided solely to the Columbia basin ground water management area for the following projects:

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(a) \$600,000 of the appropriation is provided solely to construct localized hydrologic models for municipal supply sources and aquifer storage and recovery potential; and

(b) \$400,000 of the appropriation is provided solely to develop and implement methods to identify sustainable wells near the East Low Canal.

(2) \$6,000,000 of the appropriation is provided solely for the Sunnyside Valley Irrigation District Water Conservation program.

(3) The department must reexamine its method of accounting for in-stream and out-of-stream benefits and develop a means of accounting for the indirect but substantial and tangible out-of-stream benefits that accrue from conservation, pump exchanges, and other projects. The department must report the results of this reexamination to the legislature by September 15, 2011.

**Reappropriation:**

Columbia River Basin Water Supply Development  
Account—State . . . . . \$23,987,000

**Appropriation:**

Columbia River Basin Water Supply Development  
Account—State . . . . . \$47,000,000  
  
Prior Biennia (Expenditures) . . . . . \$20,513,000  
Future Biennia (Projected Costs) . . . . . \$128,700,000  
TOTAL . . . . . \$220,200,000

**NEW SECTION. Sec. 3009. FOR THE DEPARTMENT OF ECOLOGY**

Centennial Clean Water Program (20064007)

**Reappropriation:**

State Building Construction Account—State . . . . . \$2,263,000  
  
Prior Biennia (Expenditures) . . . . . \$22,287,000  
Future Biennia (Projected Costs) . . . . . \$0  
TOTAL . . . . . \$24,550,000

**NEW SECTION. Sec. 3010. FOR THE DEPARTMENT OF ECOLOGY**

Local Toxics Grants for Cleanup and Prevention (20064008)

**Reappropriation:**

State Building Construction Account—State . . . . . \$15,029,000  
  
Prior Biennia (Expenditures) . . . . . \$83,871,000  
Future Biennia (Projected Costs) . . . . . \$0  
TOTAL . . . . . \$98,900,000

**NEW SECTION. Sec. 3011. FOR THE DEPARTMENT OF ECOLOGY**

Transfer of Water Rights for Cabin Owners (20081951)

**Reappropriation:**

State Building Construction Account—State . . . . . \$350,000  
  
Prior Biennia (Expenditures) . . . . . \$100,000  
Future Biennia (Projected Costs) . . . . . \$0



TOTAL .....\$450,000

**NEW SECTION. Sec. 3012. FOR THE DEPARTMENT OF ECOLOGY**

Puget Sound Storm water Projects (20082002)

Reappropriation:

State Building Construction Account—State ..... \$8,949,000

Prior Biennia (Expenditures) ..... \$8,971,000

Future Biennia (Projected Costs)..... \$0

TOTAL ..... \$17,920,000

**NEW SECTION. Sec. 3013. FOR THE DEPARTMENT OF ECOLOGY**

Storm water Projects (20082003)

Reappropriation:

State Building Construction Account—State ..... \$467,000

Prior Biennia (Expenditures) ..... \$2,533,000

Future Biennia (Projected Costs)..... \$0

TOTAL ..... \$3,000,000

**NEW SECTION. Sec. 3014. FOR THE DEPARTMENT OF ECOLOGY**

Reclaimed Water (20084002)

Reappropriation:

State Building Construction Account—State ..... \$2,960,000

Prior Biennia (Expenditures) ..... \$2,495,000

Future Biennia (Projected Costs)..... \$0

TOTAL ..... \$5,455,000

**NEW SECTION. Sec. 3015. FOR THE DEPARTMENT OF ECOLOGY**

Remedial Action Grants (20084008)

Reappropriation:

State Building Construction Account—State ..... \$20,251,000

Prior Biennia (Expenditures) ..... \$72,624,000

Future Biennia (Projected Costs)..... \$0

TOTAL ..... \$92,875,000

**NEW SECTION. Sec. 3016. FOR THE DEPARTMENT OF ECOLOGY**

Centennial Clean Water Program (20084010)

Reappropriation:

State Building Construction Account—State ..... \$6,468,000

Prior Biennia (Expenditures) ..... \$51,559,000

Future Biennia (Projected Costs)..... \$0

TOTAL ..... \$58,027,000

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**NEW SECTION. Sec. 3017. FOR THE DEPARTMENT OF ECOLOGY**

Yakima River Basin Water Storage Feasibility Study (20084026)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely for completion of the United States bureau of reclamation's Yakima basin storage feasibility study, including the associated joint national environmental policy act, the state environmental policy act, and environmental impact statement. The reappropriated funds are to be used by the bureau of reclamation and the department of ecology to evaluate potential in basin storage facilities such as the proposed Bumping Lake and Wymer reservoirs and other reasonable alternatives that will enhance water supplies and streamflows in the Yakima basin.

Reappropriation:

State Building Construction Account—State . . . . .	\$100,000
Prior Biennia (Expenditures) . . . . .	\$5,150,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$5,250,000

**NEW SECTION. Sec. 3018. FOR THE DEPARTMENT OF ECOLOGY**

Watershed Plan Implementation and Flow Achievement (20084029)

Reappropriation:

State Building Construction Account—State . . . . .	\$5,789,000
Prior Biennia (Expenditures) . . . . .	\$8,211,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$14,000,000

**NEW SECTION. Sec. 3019. FOR THE DEPARTMENT OF ECOLOGY**

Centennial Clean Water Program (30000008)

Reappropriation:

State Building Construction Account—State . . . . .	\$16,545,000
Prior Biennia (Expenditures) . . . . .	\$13,455,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$30,000,000

**NEW SECTION. Sec. 3020. FOR THE DEPARTMENT OF ECOLOGY**

Upper Columbia River Black Sand Beach Cleanup (30000016)

Reappropriation:

State Building Construction Account—State . . . . .	\$365,000
Prior Biennia (Expenditures) . . . . .	\$135,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$500,000

**NEW SECTION. Sec. 3021. FOR THE DEPARTMENT OF ECOLOGY**

Skykomish Cleanup and Restoration (30000020)

Reappropriation:

State Building Construction Account—State . . . . .	\$1,416,000
Prior Biennia (Expenditures) . . . . .	\$884,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$2,300,000

**NEW SECTION. Sec. 3022. FOR THE DEPARTMENT OF ECOLOGY**

Watershed Plan Implementation and Flow Achievement (30000028)

Reappropriation:

State Building Construction Account—State . . . . .	\$4,973,000
Prior Biennia (Expenditures) . . . . .	\$1,027,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$6,000,000

**NEW SECTION. Sec. 3023. FOR THE DEPARTMENT OF ECOLOGY**

Kittitas Groundwater Study (30000029)

The reappropriation in this section is subject to the following conditions and limitations:

(1) Funds may be provided to develop and implement water banking and transfer methods and agreements that are fully protective of senior water rights and that protect domestic groundwater users and improve the profitability of farming operations. The legislature finds such activities to be in the public interest because they can help sustain the viability of the agricultural economy and enhance the certainty of water supplies for domestic groundwater users.

(2) Funds may be provided to lease or purchase water rights to create a reserve water supply for domestic groundwater users that have a groundwater right with a priority date later than May 10, 1905, as well as for all out-of-priority groundwater users. In securing water for such domestic groundwater users, strong preference shall be given to the use of water banking and transfer methods that provide alternatives to permanent purchase and dry-up of agricultural water rights in the basin, including dry-year options, water banking, long-term water supply lease agreements, long-term agricultural land fallowing agreements, and reduced consumptive use through efficiency or alternative cropping arrangements while maintaining historic return flows.

(3) A portion of the reappropriation may be used for administrative costs, not to exceed four percent, and other costs associated with leasing or acquiring and transferring the water rights. All costs shall be fully recovered from participating domestic water users for their prorated portion of the cost, including but not limited to the costs of securing a water right or rights for this purpose, costs associated with the development and implementation of alternative agricultural water transfer methods, associated annual operational costs, and federal water service contract costs owed to the United States bureau of reclamation. Funds recovered in this manner shall be deposited in the state and local improvement revolving fund and may be used for any purpose provided in this section.

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Reappropriation:

State and Local Improvements Revolving Account (Water Supply Facilities)—State .....	\$700,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$700,000

**NEW SECTION. Sec. 3024. FOR THE DEPARTMENT OF ECOLOGY**

Remedial Action Grant Program (30000039)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3006, chapter 36, Laws of 2010 1st sp. sess.

Reappropriation:

State Building Construction Account—State .....	\$10,823,000
Prior Biennia (Expenditures) .....	\$26,877,000
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$37,700,000

**NEW SECTION. Sec. 3025. FOR THE DEPARTMENT OF ECOLOGY**

Storm Water Retrofit and Low-Impact Development Grant Program (30000097)

The reappropriations in this section are subject to the following terms and conditions: The reappropriation is subject to the provisions of section 3005, chapter 36, Laws of 2010 1st sp. sess.

Reappropriation:

State Building Construction Account—State .....	\$29,879,000
Prior Biennia (Expenditures) .....	\$455,000
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$30,334,000

**NEW SECTION. Sec. 3026. FOR THE DEPARTMENT OF ECOLOGY**

Clean Up Toxic Sites - Puget Sound (30000144)

The reappropriation in this section is subject to the following conditions and limitations: Up to \$17,500,000 of the cleanup settlement account—state appropriation may be used for cleanup activities associated with the Asarco contamination in Everett.

Reappropriation:

State Building Construction Account—State .....	\$511,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$511,000

**NEW SECTION. Sec. 3027. FOR THE DEPARTMENT OF ECOLOGY**

Habitat Mitigation (91000007)

Reappropriation:

State Building Construction Account—State . . . . .	\$2,900,000
Prior Biennia (Expenditures) . . . . .	\$1,500,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$4,400,000

**NEW SECTION. Sec. 3028. FOR THE DEPARTMENT OF ECOLOGY**

Protect Communities from Flood and Drought (92000002)

Reappropriation:

State Building Construction Account—State . . . . .	\$6,475,000
Prior Biennia (Expenditures) . . . . .	\$8,500,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$14,975,000

**NEW SECTION. Sec. 3029. FOR THE DEPARTMENT OF ECOLOGY**

Wastewater Treatment and Water Reclamation (92000041)

The reappropriation is subject to the provisions of section 3016, chapter 36, Laws of 2010 1st sp. sess.

Reappropriation:

State Building Construction Account—State . . . . .	\$2,980,000
Prior Biennia (Expenditures) . . . . .	\$450,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$3,430,000

**NEW SECTION. Sec. 3030. FOR THE DEPARTMENT OF ECOLOGY**

Watershed Plan Implementation and Flow Achievement (30000213)

The appropriation in this section is provided solely for grants for projects that improve water supplies and help achieve instream flows by implementing watershed plans, as follows:

(1) Surface or groundwater storage feasibility projects, where such projects are consistent with the recommendations of the water storage task force report to the legislature, February 2001 (Ecology Publication # 01 11 2002). The department shall consult the department of fish and wildlife before issuing water storage grants.

(2) Infrastructure or water management projects that resolve conflicts among water needs for municipal, agricultural, rural, and fish restoration purposes. The stream flow improvements and other public benefits secured from these projects must be commensurate with the investment of state funds.

(3) Purchase and installation of water measuring devices in salmon critical basins and areas participating in the department of fish and wildlife fish

screening and cooperative compliance program, and basins where watershed plans call for additional water use or stream flow measurement.

(4) Acquisition of water to achieve instream flows or to establish water banks, water exchanges or similar tools. The department of ecology shall give priority to water acquisitions in salmon critical basins and in basins with adopted watershed plans (chapter 90.82 RCW). The department shall place acquired water into the state's trust water rights program (chapters 90.38 and 90.42 RCW). \$2,000,000 of the appropriation is provided solely for acquisition of water rights that will be placed into the state's trust water rights program specifically and only for instream flow purposes and not for water banks, water exchanges and similar tools that are for mitigation of existing or future water supply needs and other beneficial uses other than instream flows.

Appropriation:

State Building Construction Account—State .....	\$8,000,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$8,000,000

**NEW SECTION. Sec. 3031. FOR THE DEPARTMENT OF ECOLOGY**

Hood Canal Regional Septic Repair Loan Program (30000215)

Appropriation:

State Building Construction Account—State .....	\$750,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$750,000

**NEW SECTION. Sec. 3032. FOR THE DEPARTMENT OF ECOLOGY**

Swift Creek Natural Asbestos Cleanup (30000015)

Reappropriation:

State Building Construction Account—State .....	\$500,000
Prior Biennia (Expenditures) .....	\$500,000
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$1,000,000

**NEW SECTION. Sec. 3033. FOR THE DEPARTMENT OF ECOLOGY**

Yakima Basin Integrated Water Management Plan Implementation (30000278)

Appropriation:

State Building Construction Account—State .....	\$2,000,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$2,000,000

**NEW SECTION. Sec. 3034. FOR THE DEPARTMENT OF ECOLOGY**

Water Irrigation Efficiencies (30000285)

Appropriation:

State Building Construction Account—State . . . . .	\$1,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1,000,000

**NEW SECTION. Sec. 3035. FOR THE DEPARTMENT OF ECOLOGY**

Green River Flood Levee Improvements (30000295)

Appropriation:

State Building Construction Account—State . . . . .	\$4,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$4,000,000

**NEW SECTION. Sec. 3036. FOR THE DEPARTMENT OF ECOLOGY**

Mount Vernon Flood Protection (30000297)

Appropriation:

State Building Construction Account—State . . . . .	\$700,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$700,000

**NEW SECTION. Sec. 3037. FOR THE STATE PARKS AND RECREATION COMMISSION**

Hood Canal Wastewater (20061850)

Reappropriation:

Hood Canal Aquatic Rehabilitation Bond Account—State . . . . .	\$3,130,000
Prior Biennia (Expenditures) . . . . .	\$2,790,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$5,920,000

**NEW SECTION. Sec. 3038. FOR THE STATE PARKS AND RECREATION COMMISSION**

Minor Works: Preservation (30000001)

Reappropriation:

State Building Construction Account—State . . . . .	\$2,870,000
Prior Biennia (Expenditures) . . . . .	\$3,930,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$6,800,000

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**NEW SECTION. Sec. 3039. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Trail Development (30000003)

Reappropriation:  
State Building Construction Account—State .....\$592,000  
Prior Biennia (Expenditures).....\$208,000  
Future Biennia (Projected Costs)..... \$0  
TOTAL.....\$800,000

**NEW SECTION. Sec. 3040. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Puget Sound Initiative (30000050)

Reappropriation:  
State Building Construction Account—State .....\$600,000  
Prior Biennia (Expenditures)..... \$1,400,000  
Future Biennia (Projected Costs)..... \$0  
TOTAL.....\$2,000,000

**NEW SECTION. Sec. 3041. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Twanoh State Park: Storm Water Improvements (30000054)

Reappropriation:  
State Building Construction Account—State .....\$226,000  
Prior Biennia (Expenditures).....\$24,000  
Future Biennia (Projected Costs)..... \$0  
TOTAL.....\$250,000

**NEW SECTION. Sec. 3042. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Dash Point State Park: Sanitary Sewer Collection System (30000269)

Reappropriation:  
State Building Construction Account—State ..... \$2,327,000  
Prior Biennia (Expenditures).....\$920,000  
Future Biennia (Projected Costs)..... \$0  
TOTAL.....\$3,247,000

**NEW SECTION. Sec. 3043. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Fort Worden State Park: Housing Areas Exterior Improvements (30000433)

Reappropriation:  
State Building Construction Account—State .....\$339,000  
Prior Biennia (Expenditures).....\$407,000  
Future Biennia (Projected Costs)..... \$0  
TOTAL.....\$746,000

**NEW SECTION. Sec. 3044. FOR THE STATE PARKS AND RECREATION COMMISSION**



Illahee State Park: Wastewater Treatment Upgrade (30000447)

Reappropriation:

State Building Construction Account—State . . . . . \$704,000  
 Prior Biennia (Expenditures) . . . . . \$868,000  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$1,572,000

**NEW SECTION. Sec. 3045. FOR THE STATE PARKS AND RECREATION COMMISSION**

Deception Pass State Park: Wastewater System (30000483)

Reappropriation:

State Building Construction Account—State . . . . . \$262,000  
 Prior Biennia (Expenditures) . . . . . \$38,000  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$300,000

**NEW SECTION. Sec. 3046. FOR THE STATE PARKS AND RECREATION COMMISSION**

Fish Barrier Removal (30000540)

Appropriation:

State Building Construction Account—State . . . . . \$1,238,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$8,940,000  
 TOTAL . . . . . \$10,178,000

**NEW SECTION. Sec. 3047. FOR THE STATE PARKS AND RECREATION COMMISSION**

Iron Horse Tunnel Hazard Repair (30000552)

Appropriation:

State Building Construction Account—State . . . . . \$1,896,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$1,896,000

**NEW SECTION. Sec. 3048. FOR THE STATE PARKS AND RECREATION COMMISSION**

Minor Works: Health and Safety (30000667)

Appropriation:

State Building Construction Account—State . . . . . \$5,000,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$1,866,000  
 TOTAL . . . . . \$6,866,000

**NEW SECTION. Sec. 3049. FOR THE STATE PARKS AND RECREATION COMMISSION**

Bay View Park Wide Wastewater Treatment System (20082041)

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Appropriation:

State Building Construction Account—State . . . . .	\$1,250,000
Prior Biennia (Expenditures) . . . . .	\$937,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$2,187,000

**NEW SECTION. Sec. 3050. FOR THE STATE PARKS AND RECREATION COMMISSION**

Minor Works: Facilities and Infrastructure Preservation (30000766)

Appropriation:

State Building Construction Account—State . . . . .	\$3,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$8,421,000
TOTAL . . . . .	\$11,421,000

**NEW SECTION. Sec. 3051. FOR THE STATE PARKS AND RECREATION COMMISSION**

Facility and Infrastructure Backlog Reduction (30000770)

Appropriation:

State Building Construction Account—State . . . . .	\$1,300,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$6,000,000
TOTAL . . . . .	\$7,300,000

**NEW SECTION. Sec. 3052. FOR THE STATE PARKS AND RECREATION COMMISSION**

Fort Worden State Park: Building 202 Rehabilitation (30000027)

Appropriation:

State Building Construction Account—State . . . . .	\$2,377,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$2,377,000

**NEW SECTION. Sec. 3053. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Washington Wildlife and Recreation Program (19982003)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 158, chapter 371, Laws of 2006.

Reappropriation:

Outdoor Recreation Account—State . . . . .	\$396,000
Habitat Conservation Account—State . . . . .	\$487,000
Subtotal Reappropriation . . . . .	\$883,000
Prior Biennia (Expenditures) . . . . .	\$76,718,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$77,601,000

**NEW SECTION. Sec. 3054. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Salmon Recovery Funding Board Programs (20044001)

Reappropriation:

State Building Construction Account—State . . . . .	\$920,000
Prior Biennia (Expenditures) . . . . .	\$11,080,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$12,000,000

**NEW SECTION. Sec. 3055. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Washington Wildlife and Recreation Program (20044002)

The reappropriations in this section are subject to the following conditions and limitations: Any amount of the reappropriation that is not obligated to a specific project may be used to fund alternate projects approved by the legislature from the same account in biennia succeeding that in which the moneys were originally appropriated.

Reappropriation:

Outdoor Recreation Account—State . . . . .	\$889,000
Habitat Conservation Account—State . . . . .	\$1,062,000
Subtotal Reappropriation . . . . .	\$1,951,000
Prior Biennia (Expenditures) . . . . .	\$42,579,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$44,530,000

**NEW SECTION. Sec. 3056. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Youth Athletic Fields (20062952)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 172, chapter 371, Laws of 2006.

Reappropriation:

State Building Construction Account—State . . . . .	\$621,000
Prior Biennia (Expenditures) . . . . .	\$1,879,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$2,500,000

**NEW SECTION. Sec. 3057. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Salmon Recovery Funding Board Programs (20064001)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 403, chapter 488, Laws of 2005.

Reappropriation:

State Building Construction Account—State . . . . .	\$2,585,000
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Prior Biennia (Expenditures) . . . . .	\$15,415,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$18,000,000

**NEW SECTION. Sec. 3058. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Washington Wildlife and Recreation Program (20064002)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 404, chapter 488, Laws of 2005.

Reappropriation:

Outdoor Recreation Account—State . . . . .	\$1,884,000
Habitat Conservation Account—State . . . . .	\$4,225,000
Subtotal Reappropriation . . . . .	\$6,109,000
Prior Biennia (Expenditures) . . . . .	\$43,891,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$50,000,000

**NEW SECTION. Sec. 3059. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Family Forest and Fish Passage Program (20082001)

The reappropriation in this section is subject to the following conditions and limitations:

(1) This reappropriation is provided solely for the salmon recovery funding board in consultation with the small forest landowner office of the department of natural resources and the department of fish and wildlife to provide grants to correct fish passage blockages on nonindustrial forest lands. Selection of projects must be coordinated with the other salmon recovery grant programs.

(2) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the committee shall file quarterly project progress reports with the office of financial management.

Reappropriation:

State Building Construction Account—State . . . . .	\$841,000
Prior Biennia (Expenditures) . . . . .	\$5,159,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$6,000,000

**NEW SECTION. Sec. 3060. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Puget Sound Restoration and Acquisition (20084004)

Reappropriation:

State Building Construction Account—State . . . . .	\$10,443,000
Prior Biennia (Expenditures) . . . . .	\$30,307,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$40,750,000

**NEW SECTION. Sec. 3061. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Aquatic Lands Enhancement Account (20084005)

Reappropriation:

State Building Construction Account—State . . . . .	\$2,416,000
Prior Biennia (Expenditures) . . . . .	\$2,609,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$5,025,000

**NEW SECTION. Sec. 3062. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Washington Wildlife Recreation Grants (20084011)

The reappropriations in this section are subject to the following conditions and limitations:

(1) The reappropriations are provided solely for the approved list of projects in LEAP capital document No. 2007-3 as developed on March 17, 2007, and LEAP capital document No. 2008-1 as developed on February 13, 2008.

(2) If additional funds are available after funding the farmlands preservation account projects approved in subsection (1) of this section, the board may: Provide one-time grants of up to \$25,000 each to counties requesting assistance in developing farmlands preservation strategies for the purpose of seeking grants from the farmlands preservation account in future grant cycles.

(3) Funds reappropriated for distribution according to the provisions of RCW 79A.15.040(1)(c) must be allocated forty percent to local government projects and sixty percent to state agency projects. If the cumulative total of local government projects is less than forty percent of the total distribution to this category, the difference may be allocated to state agency projects.

(4) Up to \$627,299 of the reappropriation from the riparian protection account is for the Chehalis river surge plain natural area preserve. This amount may not be expended for the project until the department of natural resources has completed a management plan for the preserve that maintains recreational access and that management plan is presented to the house of representatives capital budget and senate ways and means committees.

Reappropriation:

Outdoor Recreation Account—State . . . . .	\$10,665,000
Farmlands Preservation Account—State . . . . .	\$2,367,000
Riparian Protection Account—State . . . . .	\$4,262,000
Habitat Conservation Account—State . . . . .	\$13,821,000
Subtotal Reappropriation . . . . .	\$31,115,000
Prior Biennia (Expenditures) . . . . .	\$67,377,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$98,492,000

**NEW SECTION. Sec. 3063. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Salmon Recovery Funding Board Programs (20084851)

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Reappropriation:

State Building Construction Account—State	\$3,813,000
Prior Biennia (Expenditures)	\$14,187,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$18,000,000

**NEW SECTION. Sec. 3064. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Washington Wildlife Recreation Grants (30000002)

Reappropriation:

Outdoor Recreation Account—State	\$13,785,000
Farmlands Preservation Account—State	\$4,357,000
Riparian Protection Account—State	\$7,060,000
Habitat Conservation Account—State	\$19,542,000
Subtotal Reappropriation	\$44,744,000
Prior Biennia (Expenditures)	\$24,701,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$69,445,000

**NEW SECTION. Sec. 3065. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Salmon Recovery Funding Board Programs (30000003)

Reappropriation:

State Building Construction Account—State	\$5,760,000
Prior Biennia (Expenditures)	\$4,240,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,000,000

**NEW SECTION. Sec. 3066. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Aquatic Lands Enhancement Account (30000007)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely for the list of projects in LEAP capital document No. 2009-3, developed March 9, 2009.

Reappropriation:

State Building Construction Account—State	\$1,138,000
Prior Biennia (Expenditures)	\$2,887,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,025,000

**NEW SECTION. Sec. 3067. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Puget Sound Acquisition and Restoration (30000080)

Reappropriation:

State Building Construction Account—State	\$23,421,000
Prior Biennia (Expenditures)	\$9,579,000

Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$33,000,000

**NEW SECTION. Sec. 3068. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Puget Sound Estuary and Salmon Restoration Program (30000081)

Reappropriation:

State Building Construction Account—State . . . . . \$5,095,000  
 Prior Biennia (Expenditures) . . . . . \$1,905,000  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$7,000,000

**NEW SECTION. Sec. 3069. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Salmon Recovery Funding Board Programs (30000140)

Appropriation:

State Building Construction Account—State . . . . . \$10,000,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$40,000,000  
 TOTAL . . . . . \$50,000,000

**NEW SECTION. Sec. 3070. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Puget Sound Estuary and Salmon Restoration Program (30000148)

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall not be expended on the acquisition of lands by state agencies.

Appropriation:

State Building Construction Account—State . . . . . \$5,000,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$20,000,000  
 TOTAL . . . . . \$25,000,000

**NEW SECTION. Sec. 3071. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Family Forest Fish Passage Program (91000001)

Reappropriation:

State Building Construction Account—State . . . . . \$3,145,000  
 Prior Biennia (Expenditures) . . . . . \$1,855,000  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$5,000,000

**NEW SECTION. Sec. 3072. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Puget Sound Restoration (30000147)

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The appropriation in this section is subject to the following conditions and limitations: The appropriation shall not be expended on the acquisition of lands by state agencies.

Appropriation:

State Building Construction Account—State . . . . .	\$15,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$60,000,000
TOTAL . . . . .	\$75,000,000

**NEW SECTION. Sec. 3073. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Family Forest Fish Passage Program (30000203)

Appropriation:

State Building Construction Account—State . . . . .	\$2,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$4,000,000
TOTAL . . . . .	\$6,000,000

**NEW SECTION. Sec. 3074. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Washington Wildlife Recreation Grants (30000139)

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for the list of projects in LEAP capital document No. 2011-3A, developed May 24, 2011.

Appropriation:

Riparian Protection Account—State . . . . .	\$800,000
Habitat Conservation Account—State . . . . .	\$20,200,000
Outdoor Recreation Account—State . . . . .	\$20,200,000
Farmlands Preservation Account—State . . . . .	\$800,000
Subtotal Appropriation . . . . .	\$42,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$42,000,000

**NEW SECTION. Sec. 3075. FOR THE STATE CONSERVATION COMMISSION**

Flood Assistance for Farm Communities (20084850)

Reappropriation:

State Building Construction Account—State . . . . .	\$385,000
Prior Biennia (Expenditures) . . . . .	\$1,115,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1,500,000

**NEW SECTION. Sec. 3076. FOR THE STATE CONSERVATION COMMISSION**

Livestock Nutrient Program (30000001)



Reappropriation:

State Taxable Building Construction Account—State . . . . .	\$780,000
Prior Biennia (Expenditures) . . . . .	\$1,220,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$2,000,000

**NEW SECTION. Sec. 3077. FOR THE STATE CONSERVATION COMMISSION**

Conservation Reserve Enhancement Program (30000003)

Reappropriation:

State Building Construction Account—State . . . . .	\$897,000
Prior Biennia (Expenditures) . . . . .	\$103,000
Future Biennia (Projected Costs) . . . . .	\$1,600,000
TOTAL . . . . .	\$2,600,000

**NEW SECTION. Sec. 3078. FOR THE STATE CONSERVATION COMMISSION**

Livestock Nutrient Program (91000002)

Appropriation:

State Taxable Building Construction Account—State . . . . .	\$1,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1,000,000

**NEW SECTION. Sec. 3079. FOR THE STATE CONSERVATION COMMISSION**

Conservation Reserve Enhancement Program (91000003)

Appropriation:

State Building Construction Account—State . . . . .	\$2,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$2,000,000

**NEW SECTION. Sec. 3080. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Wiley Slough Restoration (20081028)

Reappropriation:

State Building Construction Account—State . . . . .	\$150,000
Prior Biennia (Expenditures) . . . . .	\$2,645,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$2,795,000

**NEW SECTION. Sec. 3081. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Puget Sound Initiative - Nearshore Salmon Restoration (20062001)

The reappropriation in this section is subject to the following conditions and limitations: \$495,000 of the state building construction account—state

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reappropriation is provided solely to complete project design, permitting, bid plans and specifications, and preconstruction monitoring for removal or modification of the Seahurst Park North Seawall.

Reappropriation:

State Building Construction Account—State . . . . .	\$2,132,000
Prior Biennia (Expenditures) . . . . .	\$11,731,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$13,863,000

**NEW SECTION. Sec. 3082. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Voights Creek Hatchery (20081003)

The appropriation in this section is subject to the following conditions and limitations: The appropriations in this section are provided solely for property acquisition, design, and permitting. If the department does not acquire property, the amounts provided in this section shall lapse.

Reappropriation:

State Building Construction Account—State . . . . .	\$115,000
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Appropriation:

State Building Construction Account—State . . . . .	\$1,000,000
Prior Biennia (Expenditures) . . . . .	\$1,182,000
Future Biennia (Projected Costs) . . . . .	\$13,000,000
TOTAL . . . . .	\$15,297,000

**NEW SECTION. Sec. 3083. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Issaquah Hatchery Gravity Intake (20081850)

Reappropriation:

State Building Construction Account—State . . . . .	\$539,000
Prior Biennia (Expenditures) . . . . .	\$23,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$562,000

**NEW SECTION. Sec. 3084. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Stemilt Basin Acquisition (20082029)

Reappropriation:

State Building Construction Account—State . . . . .	\$200,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$200,000

**NEW SECTION. Sec. 3085. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Minor Works: Facility Preservation (30000149)

Reappropriation:

State Building Construction Account—State . . . . .	\$276,000
Prior Biennia (Expenditures) . . . . .	\$144,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$420,000

**NEW SECTION. Sec. 3086. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Minor Works: Facility Preservation (30000300)

Appropriation:

State Building Construction Account—State . . . . .	\$2,557,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$2,500,000
TOTAL . . . . .	\$5,057,000

**NEW SECTION. Sec. 3087. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Minor Works: Road Maintenance and Abandonment Plan (30000022)

Reappropriation:

State Building Construction Account—State . . . . .	\$234,000
Prior Biennia (Expenditures) . . . . .	\$716,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$950,000

**NEW SECTION. Sec. 3088. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Minor Works: Access Areas Preservation (30000086)

Reappropriation:

State Building Construction Account—State . . . . .	\$388,000
Prior Biennia (Expenditures) . . . . .	\$20,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$408,000

**NEW SECTION. Sec. 3089. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Skamania Hatchery Intake Replacement (30000088)

Reappropriation:

State Building Construction Account—State . . . . .	\$500,000
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Appropriation:

State Building Construction Account—State . . . . .	\$3,446,000
Prior Biennia (Expenditures) . . . . .	\$324,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$4,270,000

**NEW SECTION. Sec. 3090. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Carpenter Creek Estuary Restoration (92000023)

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Reappropriation:  
State Building Construction Account—State . . . . . \$2,784,000  
Prior Biennia (Expenditures) . . . . . \$0  
Future Biennia (Projected Costs) . . . . . \$0  
TOTAL . . . . . \$2,784,000

**NEW SECTION. Sec. 3091. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Minor Works: Health, Safety, and Code Requirements (30000135)

Reappropriation:  
State Building Construction Account—State . . . . . \$384,000  
Prior Biennia (Expenditures) . . . . . \$616,000  
Future Biennia (Projected Costs) . . . . . \$0  
TOTAL . . . . . \$1,000,000

**NEW SECTION. Sec. 3092. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Leque Island Highway 532 Road Protection (92000019)

Reappropriation:  
State Building Construction Account—State . . . . . \$600,000  
Prior Biennia (Expenditures) . . . . . \$80,000  
Future Biennia (Projected Costs) . . . . . \$0  
TOTAL . . . . . \$680,000

**NEW SECTION. Sec. 3093. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Minor Works: Dam and Dike (30000145)

Reappropriation:  
State Building Construction Account—State . . . . . \$179,000  
Prior Biennia (Expenditures) . . . . . \$718,000  
Future Biennia (Projected Costs) . . . . . \$0  
TOTAL . . . . . \$897,000

**NEW SECTION. Sec. 3094. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Minor Works: Fish Passage Barrier Corrections (30000173)

Reappropriation:  
State Building Construction Account—State . . . . . \$577,000  
Prior Biennia (Expenditures) . . . . . \$423,000  
Future Biennia (Projected Costs) . . . . . \$0  
TOTAL . . . . . \$1,000,000

**NEW SECTION. Sec. 3095. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Beebe Springs Phase 3 (92000006)

Reappropriation:  
State Building Construction Account—State . . . . . \$651,000

Prior Biennia (Expenditures) . . . . . \$392,000  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$1,043,000

**NEW SECTION. Sec. 3096. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Beebe Springs Development (92000026)

Appropriation:

State Building Construction Account—State . . . . . \$1,891,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$1,891,000

**NEW SECTION. Sec. 3097. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Minor Works: Road Maintenance and Abandonment Plan (30000295)

Appropriation:

State Building Construction Account—State . . . . . \$1,826,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$6,727,000  
 TOTAL . . . . . \$8,553,000

**NEW SECTION. Sec. 3098. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Minor Works: Access Areas Preservation (30000296)

Appropriation:

State Building Construction Account—State . . . . . \$1,027,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$5,300,000  
 TOTAL . . . . . \$6,327,000

**NEW SECTION. Sec. 3099. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Minor Works: Dam and Dike (30000297)

Appropriation:

State Building Construction Account—State . . . . . \$1,043,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$2,000,000  
 TOTAL . . . . . \$3,043,000

**NEW SECTION. Sec. 3100. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Cherry Valley Fish Passage and Stream Restoration (30000105)

Appropriation:

State Building Construction Account—State . . . . . \$1,451,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$0

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TOTAL . . . . . \$1,451,000

**NEW SECTION. Sec. 3101. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Minor Works: Health, Safety, and Code Requirements (30000284)

Appropriation:

State Building Construction Account—State . . . . . \$1,241,000  
Prior Biennia (Expenditures) . . . . . \$0  
Future Biennia (Projected Costs) . . . . . \$4,500,000  
TOTAL . . . . . \$5,741,000

**NEW SECTION. Sec. 3102. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Minor Works: Infrastructure Preservation (30000298)

Appropriation:

State Building Construction Account—State . . . . . \$2,530,000  
Prior Biennia (Expenditures) . . . . . \$0  
Future Biennia (Projected Costs) . . . . . \$4,600,000  
TOTAL . . . . . \$7,130,000

**NEW SECTION. Sec. 3103. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Minor Works: Fish Passage Barrier Corrections (30000372)

Appropriation:

State Building Construction Account—State . . . . . \$1,280,000  
Prior Biennia (Expenditures) . . . . . \$0  
Future Biennia (Projected Costs) . . . . . \$0  
TOTAL . . . . . \$1,280,000

**NEW SECTION. Sec. 3104. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Minor Works: Programmatic (30000301)

Appropriation:

State Building Construction Account—State . . . . . \$150,000  
Prior Biennia (Expenditures) . . . . . \$0  
Future Biennia (Projected Costs) . . . . . \$0  
TOTAL . . . . . \$150,000

**NEW SECTION. Sec. 3105. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Skookumchuck Hatchery Renovation (20082015)

Reappropriation:

State Building Construction Account—State . . . . . \$200,000  
Prior Biennia (Expenditures) . . . . . \$3,456,000  
Future Biennia (Projected Costs) . . . . . \$0  
TOTAL . . . . . \$3,656,000

**NEW SECTION. Sec. 3106. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Marine Station (20081015)

Reappropriation:

State Building Construction Account—State . . . . .	\$537,000
Prior Biennia (Expenditures) . . . . .	\$213,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$750,000

**NEW SECTION. Sec. 3107. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Forest Riparian Easement Program (30000198)

Appropriation:

State Building Construction Account—State . . . . .	\$1,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1,000,000

**NEW SECTION. Sec. 3108. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Fire Hazard Reductions (30000201)

The appropriation in this section is subject to the following conditions and limitations: The appropriations in this section are provided solely for forest improvement treatments on state trust lands in eastern Washington.

Appropriation:

State Building Construction Account—State . . . . .	\$2,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$2,000,000

**NEW SECTION. Sec. 3109. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Sustainable Recreation (30000207)

Appropriation:

State Building Construction Account—State . . . . .	\$1,500,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1,500,000

**NEW SECTION. Sec. 3110. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Natural Areas Facilities Preservation and Access (30000208)

Appropriation:

State Building Construction Account—State . . . . .	\$1,500,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0

TOTAL ..... \$1,500,000

**NEW SECTION. Sec. 3111. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Trust Land Transfer (30000200)

The appropriation in this section is subject to the following conditions and limitations:

(1) The total appropriation is provided solely to the department to transfer from trust status, or enter into fifty year leases for, certain trust lands of statewide significance deemed appropriate for state park, fish and wildlife habitat, natural area preserve, natural resources conservation area, open space, or recreation purposes. The approved list of properties for lease or transfer is identified in the LEAP capital document No. 2011-4B, developed April 11, 2011.

(2) Property transferred under this section must be appraised and transferred at fair market value. No later than September 30, 2011, the department must deposit in the common school construction account the portion of the appropriation in this section that represents the estimated value of the timber on the transferred properties. This transfer must be made in the same manner as timber revenues from other common school trust lands. No deduction may be made for the resource management cost account under RCW 79.64.040. The portion of the appropriation in this section that represents the value of the land transferred must be deposited in the natural resources real property replacement account.

(3) Property subject to lease agreements under this section must be appraised at fair market value. Lease terms must be fifty years with options to renew for an additional fifty years. Lease payments must be lump sum payments for the entire term of the lease at the beginning of the lease. The department shall calculate such lump sum payments using professional appraisal standards. These lease payments may not exceed the fee simple purchase price based on current fair market value and must be deposited by the department to the common school construction account in the same manner as lease revenues from other common school trust lands. No deduction may be made for the resource management cost account under RCW 79.64.040. No later than September 30, 2011, the department must transfer to the common school construction account the portion of the appropriation in this section that is attributable to receipts from lease payments.

(4) All reasonable costs incurred by the department to implement this section are authorized to be paid out of the appropriations. Authorized costs include the actual cost of appraisals, staff time, environmental reviews, surveys, and other similar costs and shall not exceed one and nine-tenths percent of the appropriation.

(5) Intergrant exchanges between common school and other trust lands of equal value may occur if the exchange is in the interest of each trust, as determined by the board of natural resources.

(6) Prior to or concurrent with conveyance of these properties, the department, with full cooperation of the receiving agencies, shall execute and record a real property instrument that dedicates the transferred properties to the purposes identified in subsection (1) of this section. Transfer and lease



agreements for properties identified in subsection (1) of this section must include terms that restrict the use of the property to the intended purpose. Transfer and lease agreements may include provisions for receiving agencies to request alternative uses of the property, provided the alternative uses are compatible with the original intended public purpose and the department and legislature approves such uses.

(7) The department and receiving agencies shall work in good faith to carry out the intent of this section. However, the department or receiving agencies may remove a property from the transfer list based on new, substantive information, if it is determined that transfer of the property is not in the statewide interest of either the common school trust or the receiving agency.

(8) \$53,231,000 of the appropriation must be deposited in the common school construction account by September 30, 2011. The department shall execute trust land transfers so that after the deduction of reasonable costs as provided in subsection (4) of this section on an aggregate basis eighty percent of the total value of transferred property is timber value or lease payments and is deposited in the common school construction account. To achieve the eighty percent requirement, the department may choose to lease properties originally intended as transfers or transfer properties originally intended as leases.

(9) By June 30, 2013, the state treasurer shall transfer to the common school construction account any unexpended balance of the appropriation in this section.

(10) \$500,000 of the appropriation is provided solely for the department to process the fee transfer of properties leased to the department of fish and wildlife through the trust land transfer program during the current or previous biennium.

Appropriation:

State Building Construction Account—State . . . . .	\$60,490,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$60,490,000

**NEW SECTION. Sec. 3112. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Replacing State Forest Lands with Productive Forests (91000029)

The appropriation in this section is subject to the following conditions and limitations:

(1) The total appropriation is provided solely to the department to transfer from state forest land status to natural resources conservation area status certain state forest lands in counties with a population of 25,000 or less which are subject to timber harvest deferrals greater than thirty years due to the presence of wildlife species listed as endangered or threatened under the federal endangered species act. The approved list of properties for transfer is identified in the LEAP capital document No. 2011-5A, developed March 24, 2011.

(2) Property transferred under this section must be appraised and transferred at fair market value, without consideration of management or regulatory encumbrances associated with wildlife species listed under the federal endangered species act. The value of the timber and other valuable materials transferred must be distributed as provided in RCW 79.64.110, in the same

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manner as valuable material revenues from other state forest lands in the applicable counties. The value of the land transferred must be deposited in the park land trust revolving account and be solely used to buy replacement state forest land within the same county as the property transferred, consistent with RCW 79.22.060.

(3) Prior to or concurrent with conveyance of these properties, the department shall execute and record a real property instrument that dedicates the transferred properties to the purposes identified in subsection (1) of this section. Transfer agreements for properties identified in subsection (1) of this section must include terms that restrict the use of the property to the intended purpose.

(4) The department and applicable counties shall work in good faith to carry out the intent of this section. However, the department or applicable counties may remove a property from the transfer list based on new, substantive information, if it is determined that transfer of the property is not in the statewide interest of either the state forest trust or the natural resources conservation area program.

**Appropriation:**

State Building Construction Account—State . . . . .	\$2,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$2,000,000

**NEW SECTION. Sec. 3113. FOR THE DEPARTMENT OF AGRICULTURE**

Health and Safety Projects at County Fairs (92000001)

**Appropriation:**

State Building Construction Account—State . . . . .	\$1,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1,000,000

**PART 4  
TRANSPORTATION**

**NEW SECTION. Sec. 4001. FOR THE WASHINGTON STATE PATROL**

Minor Works: Preservation (30000050)

**Appropriation:**

State Building Construction Account—State . . . . .	\$315,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$2,100,000
TOTAL . . . . .	\$2,415,000

**PART 5  
EDUCATION**

**NEW SECTION. Sec. 5001. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Northeast King County Skills Center (20084855)

Reappropriation:

School Construction and Skill Centers Building	
Account—State . . . . .	\$3,343,000
Prior Biennia (Expenditures) . . . . .	\$5,259,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$8,602,000

**NEW SECTION. Sec. 5002. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Vocational Skills Centers (20084300)

Reappropriation:

State Building Construction Account—State . . . . .	\$3,187,000
School Construction and Skills Centers Building	
Account—State . . . . .	\$119,000
Subtotal Reappropriation . . . . .	\$3,306,000
Prior Biennia (Expenditures) . . . . .	\$67,401,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$70,707,000

**NEW SECTION. Sec. 5003. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Pierce County Skills Center (20084856)

Reappropriation:

School Construction and Skill Centers Building	
Account—State . . . . .	\$2,087,000

Appropriation:

State Building Construction Account—State . . . . .	\$7,100,000
Prior Biennia (Expenditures) . . . . .	\$9,949,000
Future Biennia (Projected Costs) . . . . .	\$10,772,000
TOTAL . . . . .	\$29,908,000

**NEW SECTION. Sec. 5004. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

2009-11 School Construction Assistance Grant Program (30000031)

The reappropriations in this section are subject to the following conditions and limitations: Up to \$14,000,000 of the state building construction account—state reappropriation in this section is for the Grand Coulee Dam school district school project, contingent on the availability of sufficient contributions from federal, local, or private sources to make up the remainder of the total cost of the project. The Grand Coulee Dam school district is faced with a unique set of local funding barriers and federal funds may substitute as the usual requirement

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for school district participation. In the event sufficient matching contributions are not secured by the Grand Coulee Dam school district, these funds shall lapse.

Reappropriation:

State Building Construction Account—State . . . . .	\$129,681,000
School Construction and Skill Centers Building Account—Bond—State . . . . .	\$40,885,000
Subtotal Reappropriation . . . . .	\$170,566,000
Prior Biennia (Expenditures) . . . . .	\$144,862,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$315,428,000

**NEW SECTION. Sec. 5005. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Energy Efficiency and Small Repair Grants (91000007)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5007, chapter 36, Laws of 2010 1st sp. sess.

Reappropriation:

State Building Construction Account—State . . . . .	\$52,844,000
Prior Biennia (Expenditures) . . . . .	\$17,045,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$69,889,000

**NEW SECTION. Sec. 5006. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

2011-13 School Construction Assistance Program (30000071)

The appropriations in this section are subject to the following conditions and limitations:

(1) In calculating square foot eligibility for state assistance grants, kindergarten student headcount shall not be reduced by fifty percent.

(2) The office of the superintendent of public instruction shall review the impact of students enrolled in alternative learning experiences on the calculation of student enrollment projections for determining school district eligibility for school construction assistance, and shall work with interested stakeholders to analyze whether the calculation should be changed. The results of the analysis, including possible recommendations for an adjustment factor, shall be submitted to the senate ways and means committee and the house capital budget committee no later than December 31, 2011.

Appropriation:

State Building Construction Account—State . . . . .	\$345,754,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$1,581,765,000
TOTAL . . . . .	\$1,927,519,000

**NEW SECTION. Sec. 5007. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Urgent Repair Grant Program (91000014)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for nonrecurring costs associated with school facility repairs and renovations necessary for unforeseen health and safety needs.

(2) The office of the superintendent of public instruction, after consulting with maintenance and operations administrators of school districts, shall develop criteria for providing funding for specific projects to stay within the appropriation level provided in this section. The criteria must include, but are not limited to, the following: (a) Limiting district applications to one hundred thousand dollars; (b) limiting districts eligible to receive the grant to only once every other biennium; and (c) requiring any district receiving funding provided in this section to demonstrate a consistent commitment to addressing school facilities needs.

Appropriation:

State Building Construction Account—State . . . . .	\$5,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$5,000,000

**NEW SECTION. Sec. 5008. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Skills Centers Minor Works - Facility Preservation (30000111)

Appropriation:

State Building Construction Account—State . . . . .	\$3,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$12,000,000
TOTAL . . . . .	\$15,000,000

**NEW SECTION. Sec. 5009. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Yakima Valley Technical Skills Center (30000076)

Appropriation:

State Building Construction Account—State . . . . .	\$28,461,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$28,461,000

**NEW SECTION. Sec. 5010. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Aviation High School (20081002)

Appropriation:

State Building Construction Account—State . . . . .	\$1,000,000
Prior Biennia (Expenditures) . . . . .	\$1,175,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$2,175,000

**NEW SECTION. Sec. 5011. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Energy Operational Savings Project Grants (30000097)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for energy operational cost savings improvements to school facilities.

(2) Grants shall be awarded for projects using the energy savings performance contracting method under chapter 39.35C RCW or an equivalent method of evaluating and delivering energy operational costs savings improvements. Projects that do not use energy savings performance contracting must: (a) Verify energy and operational cost savings for ten years or until the energy and operational costs savings pay for the project, whichever is shorter; (b) follow the department of general administration's energy savings performance contracting method guidelines; and (c) employ a licensed engineer for the energy audit, design, and construction. The office of the superintendent of public instruction may require third-party verification of savings if a project is not implemented by an energy savings performance contracting method as outlined in chapter 39.35C RCW. If required, third-party verification must be conducted either by an energy savings performance contractor qualified by the department of general administration, or a licensed engineer that is a certified energy manager.

(3) Projects must be weighted and prioritized based on the following criteria and in the following order:

(a) Prior grant award: Priority consideration shall be given to applicants that did not receive grant awards from appropriations provided in sections 1016 and 5007, chapter 36, Laws of 2010 1st sp. sess.;

(b) Leverage ratio: The higher the leverage ratio of guaranteed energy savings and utility or other incentives to state grant, the higher the project ranking;

(c) Energy savings: The higher the simple payback for energy savings, not to exceed the useful life of the energy conservation measure, the higher the project ranking; and

(d) Persistence: The more extensively a project ensures the persistence of energy operational cost savings through ongoing measurement, verification, and reporting over the life of a project, the higher the project ranking.

(4) In order to be eligible for energy cost savings grants under this section, school districts must complete an investment grade audit prior to application, or have completed an audit in the 2009-2011 biennium.

(5)(a) The superintendent of public instruction must use bond proceeds to pay one-half of the preliminary audit, up to five cents per square foot, if the project does not meet the school district's predetermined cost-effectiveness criteria. Public school districts must pay the other one-half of the cost of the preliminary audit if the project does not meet their predetermined cost-effectiveness criteria.

(b) The energy savings performance contractor shall not charge for an investment grade audit if the project does not meet the school district's predetermined cost-effectiveness criteria. Public school districts must pay the

full price of an investment grade audit if they do not proceed with a project that meets the school district's predetermined cost-effectiveness criteria.

(6) Applicants must submit documentation that demonstrates energy and operational cost savings resulting from the installation of the energy equipment and improvements. The energy savings analysis shall be performed by a licensed engineer, and the documentation must include, but is not limited to, the following:

- (i) A description of the energy equipment and improvements; and
- (ii) A description of the energy and operational cost savings.

(7) Each school district is limited to one grant award and no more than \$1,000,000.

(8) The office of the superintendent of public instruction may charge projects administrative fees.

(9) The superintendent of public instruction must report to the appropriate committees of the legislature and the office of financial management on the timing and use of the funds by the end of each fiscal year, until the funds are fully expended.

Appropriation:

State Building Construction Account—State . . . . .	\$20,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$20,000,000

**NEW SECTION. Sec. 5012. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Clark County Skills Center (30000093)

Appropriation:

State Building Construction Account—State . . . . .	\$100,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$14,750,000
TOTAL . . . . .	\$14,850,000

**NEW SECTION. Sec. 5013. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

SEA-Tech Branch Campus of Tri-Tech Skills Center (30000078)

Appropriation:

State Building Construction Account—State . . . . .	\$1,169,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$11,739,000
TOTAL . . . . .	\$12,908,000

**NEW SECTION. Sec. 5014. FOR THE STATE SCHOOL FOR THE BLIND**

Minor Works - Preservation (30000002)

Reappropriation:

State Building Construction Account—State . . . . .	\$188,000
Prior Biennia (Expenditures) . . . . .	\$432,000

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Future Biennia (Projected Costs)..... \$0  
TOTAL.....\$620,000

**NEW SECTION. Sec. 5015. FOR THE WASHINGTON STATE  
CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS**  
Well Replacement (91000003)

Reappropriation:  
State Building Construction Account—State .....\$264,000  
  
Prior Biennia (Expenditures)..... \$0  
Future Biennia (Projected Costs)..... \$0  
TOTAL.....\$264,000

**NEW SECTION. Sec. 5016. FOR THE UNIVERSITY OF  
WASHINGTON**  
Odegaard Undergraduate Learning Center (30000370)

Appropriation:  
State Building Construction Account—State ..... \$16,575,000  
  
Prior Biennia (Expenditures)..... \$0  
Future Biennia (Projected Costs)..... \$0  
TOTAL..... \$16,575,000

**NEW SECTION. Sec. 5017. FOR THE UNIVERSITY OF  
WASHINGTON**  
University of Washington Bothell (20082006)

Reappropriation:  
State Building Construction Account—State ..... \$2,934,000  
  
Prior Biennia (Expenditures)..... \$2,216,000  
Future Biennia (Projected Costs)..... \$77,435,000  
TOTAL..... \$82,585,000

**NEW SECTION. Sec. 5018. FOR THE UNIVERSITY OF  
WASHINGTON**  
House of Knowledge Longhouse (30000021)

Reappropriation:  
State Building Construction Account—State .....\$53,000

Appropriation:  
State Building Construction Account—State ..... \$2,700,000  
  
Prior Biennia (Expenditures).....\$247,000  
Future Biennia (Projected Costs)..... \$0  
TOTAL..... \$3,000,000

**NEW SECTION. Sec. 5019. FOR THE UNIVERSITY OF  
WASHINGTON**  
Minor Works: Facility Preservation (30000027)

Reappropriation:  
State Building Construction Account—State ..... \$10,366,000  
  
Prior Biennia (Expenditures)..... \$8,769,000



Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$19,135,000

**NEW SECTION. Sec. 5020. FOR THE UNIVERSITY OF WASHINGTON**

High Voltage Infrastructure Improvement Project (30000371)

Appropriation:

State Building Construction Account—State . . . . . \$4,365,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$4,365,000

**NEW SECTION. Sec. 5021. FOR THE UNIVERSITY OF WASHINGTON**

University of Washington - Minor Capital Repairs (30000372)

Appropriation:

State Building Construction Account—State . . . . . \$11,186,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$30,000,000  
 TOTAL . . . . . \$41,186,000

**NEW SECTION. Sec. 5022. FOR THE UNIVERSITY OF WASHINGTON**

Anderson Hall Renovation (20091002)

Appropriation:

State Building Construction Account—State . . . . . \$1,553,000  
 Prior Biennia (Expenditures) . . . . . \$200,000  
 Future Biennia (Projected Costs) . . . . . \$19,997,000  
 TOTAL . . . . . \$21,750,000

**NEW SECTION. Sec. 5023. FOR THE WASHINGTON STATE UNIVERSITY**

Washington State University Vancouver - Applied Technology and Classroom Building (20062950)

Reappropriation:

State Building Construction Account—State . . . . . \$22,685,000  
 Prior Biennia (Expenditures) . . . . . \$5,828,000  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$28,513,000

**NEW SECTION. Sec. 5024. FOR THE WASHINGTON STATE UNIVERSITY**

Washington State University Spokane - Riverpoint Biomedical and Health Sciences (20162953)

Reappropriation:

State Building Construction Account—State . . . . . \$4,200,000

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Appropriation:

State Building Construction Account—State . . . . .	\$31,230,000
Prior Biennia (Expenditures) . . . . .	\$3,640,000
Future Biennia (Projected Costs) . . . . .	\$35,000,000
TOTAL . . . . .	\$74,070,000

**NEW SECTION. Sec. 5025. FOR THE WASHINGTON STATE UNIVERSITY**

Minor Works: Preservation (30000065)

Reappropriation:

State Building Construction Account—State . . . . .	\$10,100,000
Prior Biennia (Expenditures) . . . . .	\$13,803,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$23,903,000

**NEW SECTION. Sec. 5026. FOR THE WASHINGTON STATE UNIVERSITY**

Minor Works: Program (30000066)

Reappropriation:

State Building Construction Account—State . . . . .	\$6,192,000
Prior Biennia (Expenditures) . . . . .	\$11,335,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$17,527,000

**NEW SECTION. Sec. 5027. FOR THE EASTERN WASHINGTON UNIVERSITY**

Patterson Hall Remodel (20062002)

Reappropriation:

State Building Construction Account—State . . . . .	\$18,978,000
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Appropriation:

State Building Construction Account—State . . . . .	\$30,500,000
Prior Biennia (Expenditures) . . . . .	\$7,365,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$56,843,000

**NEW SECTION. Sec. 5028. FOR THE EASTERN WASHINGTON UNIVERSITY**

Minor Works: Health, Safety, Code Compliance (30000053)

Reappropriation:

State Building Construction Account—State . . . . .	\$1,217,000
Prior Biennia (Expenditures) . . . . .	\$1,283,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$2,500,000

**NEW SECTION. Sec. 5029. FOR THE EASTERN WASHINGTON UNIVERSITY**

Minor Works: Preservation (30000427)

Appropriation:

State Building Construction Account—State . . . . .	\$4,895,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$8,000,000
TOTAL . . . . .	\$12,895,000

**NEW SECTION. Sec. 5030. FOR THE EASTERN WASHINGTON UNIVERSITY**

Minor Works: Health, Safety, and Code Compliance (20081002)

Reappropriation:

State Building Construction Account—State . . . . .	\$286,000
Prior Biennia (Expenditures) . . . . .	\$3,871,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$4,157,000

**NEW SECTION. Sec. 5031. FOR THE CENTRAL WASHINGTON UNIVERSITY**

Hogue Hall Renovation and Addition (20082003)

Reappropriation:

State Building Construction Account—State . . . . .	\$15,098,000
Prior Biennia (Expenditures) . . . . .	\$15,144,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$30,242,000

**NEW SECTION. Sec. 5032. FOR THE CENTRAL WASHINGTON UNIVERSITY**

Minor Works: Health, Safety, and Code Requirements (30000002)

Reappropriation:

State Building Construction Account—State . . . . .	\$380,000
Prior Biennia (Expenditures) . . . . .	\$570,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$950,000

**NEW SECTION. Sec. 5033. FOR THE CENTRAL WASHINGTON UNIVERSITY**

Minor Works: Infrastructure Preservation (30000009)

Reappropriation:

State Building Construction Account—State . . . . .	\$253,000
Prior Biennia (Expenditures) . . . . .	\$348,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$601,000

**NEW SECTION. Sec. 5034. FOR THE CENTRAL WASHINGTON UNIVERSITY**

Minor Works: Program (30000025)

Reappropriation:

State Building Construction Account—State . . . . .	\$477,000
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Prior Biennia (Expenditures) . . . . .	\$1,523,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$2,000,000

**NEW SECTION. Sec. 5035. FOR THE CENTRAL WASHINGTON UNIVERSITY**

Science Building (30000045)

Reappropriation:

State Building Construction Account—State . . . . .	\$202,000
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Appropriation:

State Building Construction Account—State . . . . .	\$2,000,000
Prior Biennia (Expenditures) . . . . .	\$376,000
Future Biennia (Projected Costs) . . . . .	\$53,290,000
TOTAL . . . . .	\$55,868,000

**NEW SECTION. Sec. 5036. FOR THE CENTRAL WASHINGTON UNIVERSITY**

Samuelson Communication and Technology Center (30000451)

Appropriation:

State Building Construction Account—State . . . . .	\$5,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$60,000,000
TOTAL . . . . .	\$65,000,000

**NEW SECTION. Sec. 5037. FOR THE CENTRAL WASHINGTON UNIVERSITY**

Combined Utilities (30000448)

Appropriation:

State Building Construction Account—State . . . . .	\$3,727,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$19,600,000
TOTAL . . . . .	\$23,327,000

**NEW SECTION. Sec. 5038. FOR THE CENTRAL WASHINGTON UNIVERSITY**

Nutrition Science: Predesign (30000456)

Appropriation:

State Building Construction Account—State . . . . .	\$300,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$39,750,000
TOTAL . . . . .	\$40,050,000

**NEW SECTION. Sec. 5039. FOR THE EVERGREEN STATE COLLEGE**

Communications Laboratory Building Preservation and Renovation (30000002)

Reappropriation:  
 State Building Construction Account—State . . . . . \$1,291,000  
 Appropriation:  
 State Building Construction Account—State . . . . . \$8,130,000  
 Prior Biennia (Expenditures) . . . . . \$530,000  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$9,951,000

**NEW SECTION. Sec. 5040. FOR THE EVERGREEN STATE COLLEGE**

Minor Works Preservation (30000003)

Reappropriation:  
 State Building Construction Account—State . . . . . \$1,567,000  
 Prior Biennia (Expenditures) . . . . . \$2,440,000  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$4,007,000

**NEW SECTION. Sec. 5041. FOR THE EVERGREEN STATE COLLEGE**

Minor Works: Health, Safety, Code Compliance (30000016)

Reappropriation:  
 State Building Construction Account—State . . . . . \$1,288,000  
 Prior Biennia (Expenditures) . . . . . \$665,000  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$1,953,000

**NEW SECTION. Sec. 5042. FOR THE EVERGREEN STATE COLLEGE**

Minor Works: Program (30000031)

Reappropriation:  
 State Building Construction Account—State . . . . . \$1,043,000  
 Prior Biennia (Expenditures) . . . . . \$507,000  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$1,550,000

**NEW SECTION. Sec. 5043. FOR THE EVERGREEN STATE COLLEGE**

Minor Works: Infrastructure (30000046)

Reappropriation:  
 State Building Construction Account—State . . . . . \$398,000  
 Prior Biennia (Expenditures) . . . . . \$982,000  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$1,380,000

**NEW SECTION. Sec. 5044. FOR THE EVERGREEN STATE COLLEGE**

Science Center - Lab I, 2nd Floor Renovation (30000116)

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Appropriation:

State Building Construction Account—State	\$4,950,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,950,000

**NEW SECTION. Sec. 5045. FOR THE WESTERN WASHINGTON UNIVERSITY**

Miller Hall Renovation (20041953)

Reappropriation:

State Building Construction Account—State	\$19,075,000
Prior Biennia (Expenditures)	\$32,442,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$51,517,000

**NEW SECTION. Sec. 5046. FOR THE WESTERN WASHINGTON UNIVERSITY**

Minor Works - Program (20082093)

Reappropriation:

State Building Construction Account—State	\$191,000
Prior Biennia (Expenditures)	\$10,364,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,555,000

**NEW SECTION. Sec. 5047. FOR THE WESTERN WASHINGTON UNIVERSITY**

Minor Works: Health, Safety, and Code Requirements (30000004)

Reappropriation:

State Building Construction Account—State	\$710,000
Prior Biennia (Expenditures)	\$1,862,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,572,000

**NEW SECTION. Sec. 5048. FOR THE WESTERN WASHINGTON UNIVERSITY**

Minor Works: Facilities Preservation (30000005)

Reappropriation:

State Building Construction Account—State	\$1,030,000
Prior Biennia (Expenditures)	\$2,881,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,911,000

**NEW SECTION. Sec. 5049. FOR THE WESTERN WASHINGTON UNIVERSITY**

Minor Works: Infrastructure (30000006)

Reappropriation:

State Building Construction Account—State	\$401,000
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Prior Biennia (Expenditures) . . . . . \$1,380,000  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$1,781,000

**NEW SECTION. Sec. 5050. FOR THE WESTERN WASHINGTON UNIVERSITY**

Minor Works: Program (30000007)

Reappropriation:

State Building Construction Account—State . . . . . \$2,023,000  
 Prior Biennia (Expenditures) . . . . . \$3,225,000  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$5,248,000

**NEW SECTION. Sec. 5051. FOR THE WESTERN WASHINGTON UNIVERSITY**

Classroom and Lab Upgrades (30000425)

Appropriation:

State Building Construction Account—State . . . . . \$2,486,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$2,486,000

**NEW SECTION. Sec. 5052. FOR THE WESTERN WASHINGTON UNIVERSITY**

Fraser Hall Renovation (30000427)

Appropriation:

State Building Construction Account—State . . . . . \$4,480,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$4,480,000

**NEW SECTION. Sec. 5053. FOR THE WESTERN WASHINGTON UNIVERSITY**

Carver Academic Renovation (20081060)

Appropriation:

State Building Construction Account—State . . . . . \$6,784,000  
 Prior Biennia (Expenditures) . . . . . \$391,000  
 Future Biennia (Projected Costs) . . . . . \$61,175,000  
 TOTAL . . . . . \$68,350,000

**NEW SECTION. Sec. 5054. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

Pacific-Lewis and Clark Station Camp Park Project (2002S001)

Reappropriation:

State Building Construction Account—State . . . . . \$2,368,000  
 Prior Biennia (Expenditures) . . . . . \$2,119,000  
 Future Biennia (Projected Costs) . . . . . \$0

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TOTAL . . . . . \$4,487,000

**NEW SECTION. Sec. 5055. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

Lewis and Clark Trail Interpretive Infrastructure Grant (20024001)

Reappropriation:

State Building Construction Account—State . . . . . \$319,000  
Prior Biennia (Expenditures) . . . . . \$1,681,000  
Future Biennia (Projected Costs) . . . . . \$0  
TOTAL . . . . . \$2,000,000

**NEW SECTION. Sec. 5056. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

Statewide - Washington Heritage Project Grants (20064004)

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The reappropriation is subject to the provisions of section 212, chapter 371, Laws of 2006.
- (2) The reappropriation in this section is subject to the provisions of section 5043, chapter 36, Laws of 2010 1st sp. sess.

Reappropriation:

State Building Construction Account—State . . . . . \$964,000  
Prior Biennia (Expenditures) . . . . . \$3,635,000  
Future Biennia (Projected Costs) . . . . . \$0  
TOTAL . . . . . \$4,599,000

**NEW SECTION. Sec. 5057. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

Washington Heritage Grants (20074004)

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The reappropriation is subject to the project list in section 5137, chapter 520, Laws of 2007.
- (2) The reappropriation in this section is subject to the provisions of section 5044, chapter 36, Laws of 2010 1st sp. sess.

Reappropriation:

State Building Construction Account—State . . . . . \$3,146,000  
Prior Biennia (Expenditures) . . . . . \$6,759,000  
Future Biennia (Projected Costs) . . . . . \$0  
TOTAL . . . . . \$9,905,000

**NEW SECTION. Sec. 5058. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

Washington Heritage Project Capital Grants (30000011)

The reappropriation in this section is subject to the following conditions and limitations:



(1) The reappropriation in this section is subject to the provisions of section 5120, chapter 497, Laws of 2009.

(2) The reappropriation in this section is subject to the provisions of section 5045, chapter 36, Laws of 2010 1st sp. sess.

Reappropriation:

State Building Construction Account—State . . . . .	\$5,637,000
Prior Biennia (Expenditures) . . . . .	\$3,788,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$9,425,000

**NEW SECTION. Sec. 5059. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

Minor Works: Preservation (30000093)

Reappropriation:

State Building Construction Account—State . . . . .	\$572,000
Prior Biennia (Expenditures) . . . . .	\$830,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1,402,000

**NEW SECTION. Sec. 5060. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

Vancouver National Historic Reserve West Barracks (91000002)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation in this section is subject to the provisions of section 5040, chapter 36, Laws of 2010 1st sp. sess.

Reappropriation:

State Building Construction Account—State . . . . .	\$1,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1,000,000

**NEW SECTION. Sec. 5061. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

Building Preservation (30000111)

Appropriation:

State Building Construction Account—State . . . . .	\$800,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$3,200,000
TOTAL . . . . .	\$4,000,000

**NEW SECTION. Sec. 5062. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

Washington Heritage Grants (30000117)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is subject to the provisions of RCW 27.34.330.

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(2) The appropriation is provided solely for the following list of projects:

Project	Authorized Amount
Schooner Martha Foundation	\$118,000
Cascade Land Conservancy	\$155,000
Port of Chinook	\$45,000
City of Bellingham	\$100,000
La Conner Quilt and Textile Museum	\$25,000
City of Vancouver	\$610,000
Blue Mountain Heritage Society	\$30,000
Metro Parks Tacoma	\$60,000
Si View Metro Park District	\$25,000
Total	\$1,168,000

Appropriation:

State Building Construction Account—State	\$1,168,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
<b>TOTAL</b>	<b>\$1,168,000</b>

**NEW SECTION. Sec. 5063. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

Museum System Repair and Upgrades/Preservation (20081013)

Reappropriation:

State Building Construction Account—State	\$1,264,000
Prior Biennia (Expenditures)	\$593,000
Future Biennia (Projected Costs)	\$0
<b>TOTAL</b>	<b>\$1,857,000</b>

**NEW SECTION. Sec. 5064. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

Minor Works: Facility Preservation (30000014)

Appropriation:

State Building Construction Account—State	\$100,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$400,000
<b>TOTAL</b>	<b>\$500,000</b>

**NEW SECTION. Sec. 5065. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Tacoma Community College - Science Building (20012687)

Reappropriation:

State Building Construction Account—State	\$143,000
Prior Biennia (Expenditures)	\$30,835,000

Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$30,978,000

**NEW SECTION. Sec. 5066. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Spokane Falls Community College - Music Building 15 Renovation (20081320)

Reappropriation:

State Building Construction Account—State . . . . . \$634,000  
 Prior Biennia (Expenditures) . . . . . \$10,967,000  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$11,601,000

**NEW SECTION. Sec. 5067. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Spokane Falls - Business and Social Science Building (20051853)

Reappropriation:

Gardner-Evans Higher Education Construction Account—State . . . . . \$400,000  
 Prior Biennia (Expenditures) . . . . . \$19,913,000  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$20,313,000

**NEW SECTION. Sec. 5068. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Pierce College, Fort Steilacoom - Science and Technology (20042694)

Reappropriation:

State Building Construction Account—State . . . . . \$834,000  
 Prior Biennia (Expenditures) . . . . . \$31,559,000  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$32,393,000

**NEW SECTION. Sec. 5069. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Pierce College Fort Steilacoom - Cascade Core (20061326)

Reappropriation:

State Building Construction Account—State . . . . . \$503,000  
 Prior Biennia (Expenditures) . . . . . \$26,450,000  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$26,953,000

**NEW SECTION. Sec. 5070. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Clover Park Technical College - Allied Health Care Facility (20062699)

Reappropriation:

State Building Construction Account—State . . . . . \$317,000

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Appropriation:

State Building Construction Account—State . . . . .	\$20,706,000
Prior Biennia (Expenditures) . . . . .	\$1,748,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$22,771,000

**NEW SECTION. Sec. 5071. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Spokane Community College - Building 7 Renovation (20081319)

Reappropriation:

State Building Construction Account—State . . . . .	\$732,000
Prior Biennia (Expenditures) . . . . .	\$8,620,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$9,352,000

**NEW SECTION. Sec. 5072. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Olympic College - Humanities and Student Services (20061204)

Reappropriation:

State Building Construction Account—State . . . . .	\$500,000
Prior Biennia (Expenditures) . . . . .	\$40,888,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$41,388,000

**NEW SECTION. Sec. 5073. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Pierce College Puyallup - Communication Arts and Health Building (20042691)

Reappropriation:

Gardner-Evans Higher Education Construction Account—State . . . . .	\$559,000
Prior Biennia (Expenditures) . . . . .	\$26,691,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$27,250,000

**NEW SECTION. Sec. 5074. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Green River Community College: Water System Replacement (20061501)

Reappropriation:

Gardner-Evans Higher Education Construction Account—State . . . . .	\$1,000,000
Prior Biennia (Expenditures) . . . . .	\$951,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1,951,000

**NEW SECTION. Sec. 5075. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

North Seattle Community College: Technology Building Renewal  
(30000129)

Reappropriation:

State Building Construction Account—State	\$1,478,000
Prior Biennia (Expenditures)	\$606,000
Future Biennia (Projected Costs)	\$20,950,000
TOTAL	\$23,034,000

**NEW SECTION. Sec. 5076. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Lake Washington Technical College: Allied Health Building (20062697)

Reappropriation:

State Building Construction Account—State	\$3,462,000
Prior Biennia (Expenditures)	\$22,343,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$25,805,000

**NEW SECTION. Sec. 5077. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

South Puget Sound Community College: Learning Resource Center  
(20062698)

Reappropriation:

State Building Construction Account—State	\$2,130,000
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Appropriation:

State Building Construction Account—State	\$30,196,000
Prior Biennia (Expenditures)	\$1,976,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$34,302,000

**NEW SECTION. Sec. 5078. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Seattle Central Community College: Wood Construction Center  
(20081216)

Reappropriation:

State Building Construction Account—State	\$15,922,000
Prior Biennia (Expenditures)	\$6,387,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$22,309,000

**NEW SECTION. Sec. 5079. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Peninsula College: Business and Humanities Center (20081218)

Reappropriation:

State Building Construction Account—State	\$8,957,000
Prior Biennia (Expenditures)	\$22,987,000
Future Biennia (Projected Costs)	\$0

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TOTAL ..... \$31,944,000

**NEW SECTION. Sec. 5080. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Spokane Falls Community College: Chemistry and Life Science Building (20081219)

Reappropriation:

State Building Construction Account—State ..... \$4,696,000  
Prior Biennia (Expenditures) ..... \$18,831,000  
Future Biennia (Projected Costs) ..... \$0  
TOTAL ..... \$23,527,000

**NEW SECTION. Sec. 5081. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Spokane Community College: Technical Education Building (20081220)

Reappropriation:

State Building Construction Account—State ..... \$14,095,000  
Prior Biennia (Expenditures) ..... \$12,335,000  
Future Biennia (Projected Costs) ..... \$0  
TOTAL ..... \$26,430,000

**NEW SECTION. Sec. 5082. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Everett Community College: Index Hall Replacement (20081221)

Reappropriation:

State Building Construction Account—State ..... \$1,468,000

Appropriation:

State Building Construction Account—State ..... \$31,988,000  
Prior Biennia (Expenditures) ..... \$3,489,000  
Future Biennia (Projected Costs) ..... \$0  
TOTAL ..... \$36,945,000

**NEW SECTION. Sec. 5083. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Green River Community College: Trades and Industry Building (20081222)

Reappropriation:

State Building Construction Account—State ..... \$1,127,000  
Prior Biennia (Expenditures) ..... \$718,000  
Future Biennia (Projected Costs) ..... \$35,810,000  
TOTAL ..... \$37,655,000

**NEW SECTION. Sec. 5084. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Skagit Valley College: Academic and Student Services Building (20081224)

Reappropriation:

State Building Construction Account—State . . . . .	\$890,000
Prior Biennia (Expenditures) . . . . .	\$976,000
Future Biennia (Projected Costs) . . . . .	\$26,545,000
TOTAL . . . . .	\$28,411,000

**NEW SECTION. Sec. 5085. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Lower Columbia College: Health and Science Building (20081225)

Reappropriation:

State Building Construction Account—State . . . . .	\$760,000
Prior Biennia (Expenditures) . . . . .	\$3,927,000
Future Biennia (Projected Costs) . . . . .	\$33,931,000
TOTAL . . . . .	\$38,618,000

**NEW SECTION. Sec. 5086. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Grays Harbor College: Science and Math Building (20081226)

Reappropriation:

State Building Construction Account—State . . . . .	\$1,863,000
Prior Biennia (Expenditures) . . . . .	\$705,000
Future Biennia (Projected Costs) . . . . .	\$46,270,000
TOTAL . . . . .	\$48,838,000

**NEW SECTION. Sec. 5087. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Pierce College Fort Steilacoom: Cascade Core (20081321)

Reappropriation:

State Building Construction Account—State . . . . .	\$4,590,000
Prior Biennia (Expenditures) . . . . .	\$10,751,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$15,341,000

**NEW SECTION. Sec. 5088. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Tacoma Community College: Health Careers Center (20082701)

Reappropriation:

State Building Construction Account—State . . . . .	\$906,000
Prior Biennia (Expenditures) . . . . .	\$1,160,000
Future Biennia (Projected Costs) . . . . .	\$38,819,000
TOTAL . . . . .	\$40,885,000

**NEW SECTION. Sec. 5089. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Bellevue Community College: Health Science Building (20082702)

Reappropriation:

State Building Construction Account—State . . . . .	\$500,000
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Prior Biennia (Expenditures) . . . . .	\$2,554,000
Future Biennia (Projected Costs) . . . . .	\$42,712,000
TOTAL . . . . .	\$45,766,000

**NEW SECTION. Sec. 5090. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Bates Technical College: Mohler Communications Technology Center (20082703)

Reappropriation:

State Building Construction Account—State . . . . .	\$1,123,000
Prior Biennia (Expenditures) . . . . .	\$805,000
Future Biennia (Projected Costs) . . . . .	\$26,657,000
TOTAL . . . . .	\$28,585,000

**NEW SECTION. Sec. 5091. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Clark College: Health and Advanced Technologies Building (20082705)

Reappropriation:

State Building Construction Account—State . . . . .	\$1,941,000
Prior Biennia (Expenditures) . . . . .	\$633,000
Future Biennia (Projected Costs) . . . . .	\$49,186,000
TOTAL . . . . .	\$51,760,000

**NEW SECTION. Sec. 5092. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Roof Repairs "A" (30000010)

Reappropriation:

State Building Construction Account—State . . . . .	\$578,000
Prior Biennia (Expenditures) . . . . .	\$2,049,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$2,627,000

**NEW SECTION. Sec. 5093. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Facility Repairs "A" (30000048)

Reappropriation:

State Building Construction Account—State . . . . .	\$12,058,000
Prior Biennia (Expenditures) . . . . .	\$4,670,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$16,728,000

**NEW SECTION. Sec. 5094. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Minor Works: Program (30000078)

Reappropriation:

State Building Construction Account—State . . . . .	\$2,599,000
Prior Biennia (Expenditures) . . . . .	\$1,259,000



Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$3,858,000

**NEW SECTION. Sec. 5095. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Yakima Valley Community College: College/City Library (30000113)

Reappropriation:

State Building Construction Account—State . . . . . \$1,752,000  
 Prior Biennia (Expenditures) . . . . . \$248,000  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$2,000,000

**NEW SECTION. Sec. 5096. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Bellingham Technical College: Fisheries Program (30000117)

Appropriation:

State Building Construction Account—State . . . . . \$2,000,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$2,000,000

**NEW SECTION. Sec. 5097. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Lower Columbia College: Myklebust Gymnasium (30000118)

Appropriation:

State Building Construction Account—State . . . . . \$2,000,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$2,000,000

**NEW SECTION. Sec. 5098. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Wenatchee Valley College: Music and Arts Center (30000119)

Appropriation:

State Building Construction Account—State . . . . . \$1,689,000  
 Prior Biennia (Expenditures) . . . . . \$311,000  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$2,000,000

**NEW SECTION. Sec. 5099. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Seattle Central Community College: Seattle Maritime Academy (30000120)

Reappropriation:

State Building Construction Account—State . . . . . \$1,160,000  
 Prior Biennia (Expenditures) . . . . . \$177,000  
 Future Biennia (Projected Costs) . . . . . \$17,954,000

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TOTAL ..... \$19,291,000

**NEW SECTION. Sec. 5100. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Yakima Valley Community College: Palmer Martin Building (30000121)

Reappropriation:

State Building Construction Account—State ..... \$736,000

Prior Biennia (Expenditures) ..... \$261,000

Future Biennia (Projected Costs) ..... \$24,584,000

TOTAL ..... \$25,581,000

**NEW SECTION. Sec. 5101. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Peninsula College: Fort Worden Building 202 (30000114)

Appropriation:

State Building Construction Account—State ..... \$2,000,000

Prior Biennia (Expenditures) ..... \$0

Future Biennia (Projected Costs) ..... \$0

TOTAL ..... \$2,000,000

**NEW SECTION. Sec. 5102. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Spokane Falls Community College: Stadium & Athletic Fields (30000116)

Appropriation:

State Building Construction Account—State ..... \$758,000

Prior Biennia (Expenditures) ..... \$0

Future Biennia (Projected Costs) ..... \$0

TOTAL ..... \$758,000

**NEW SECTION. Sec. 5103. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Green River Community College: Science Math Technology Building (30000130)

Reappropriation:

State Building Construction Account—State ..... \$942,000

Appropriation:

State Building Construction Account—State ..... \$18,562,000

Prior Biennia (Expenditures) ..... \$373,000

Future Biennia (Projected Costs) ..... \$0

TOTAL ..... \$19,877,000

**NEW SECTION. Sec. 5104. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Site Repairs "A" (30000504)

Appropriation:

State Building Construction Account—State ..... \$1,983,000

Prior Biennia (Expenditures) ..... \$0

Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$1,983,000

**NEW SECTION. Sec. 5105. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Minor Works Program (30000674)

Appropriation:

State Building Construction Account—State . . . . . \$20,000,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$20,000,000

**NEW SECTION. Sec. 5106. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Spokane Falls Community College: Campus Classrooms (20062696)

Appropriation:

State Building Construction Account—State . . . . . \$17,647,000  
 Prior Biennia (Expenditures) . . . . . \$1,317,000  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$18,964,000

**NEW SECTION. Sec. 5107. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Construction Contingency Pool (92000007)

The reappropriation in this section is provided solely for allocation by the state board for community and technical colleges for major construction and renovation projects that confront emergent and unavoidable costs in excess of the construction contingency and management reserves included in the project appropriation. The board shall report at least quarterly to the office of financial management and the legislative capital budget committees on requests for and allocations from the pool.

Reappropriation:

State Building Construction Account—State . . . . . \$900,000  
 Prior Biennia (Expenditures) . . . . . \$2,439,000  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL . . . . . \$3,339,000

**PART 6  
 2011 SUPPLEMENTAL CAPITAL BUDGET**

**Sec. 6001.** 2009 c 497 s 1050 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ((COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT)) COMMERCE**

Temporary Public Works Grant Program (92000021)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for grants for the specified public works projects and competitive public works grant programs specified

below. The public works board (board) shall administer the following competitive public works grant programs within the amounts specified, provided that up to ten percent of the amounts provided for competitive grant programs may be transferred to other competitive grant categories if acceptable applications for any category do not total the amount available.

(1) \$9,531,000 is provided solely for a competitive public works grant program for local governments serving communities in rural counties as defined in RCW 43.160.020. The board shall prioritize applications for funding for this small community jobs program based on the following criteria:

- (a) The unemployment rate of the community;
- (b) The ability of the applicant to complete the project promptly; and
- (c) The value the project presents to the community in lasting improvements to public safety, environmental quality, recreation and community life, or economic development.

(2) \$9,531,000 is provided solely for a competitive public works grant program for local governments serving high density urban communities. The board shall prioritize applications for funding from this urban vitality program based on the following criteria:

- (a) The proposed project's ability to decrease the per capita vehicle miles driven in the community by increasing access to mass transit, supporting residential density in proximity to employment opportunities, and improving the safety and appeal of walking and biking in a community;
- (b) The ability of the applicant to complete the project promptly; and
- (c) The local support for the project as indicated by the level of local matching funds devoted to the project. Local matching funds do not include funds from other state sources.

(3) The state taxable building construction account—state appropriation is provided solely for emergency loans under RCW 43.155.065.

(4) (~~(\$23,535,000)~~) \$21,528,000 is provided solely for the following list of projects. The appropriation for Airway Heights wastewater treatment plant is contingent upon a capacity agreement with the Kalispel Tribe that precludes the need to build multiple wastewater treatment facilities on the West Plains. If any project on the following list is unable to show reasonable progress towards accomplishing the intended project by December 31, 2010, the board may transfer the amount allocated for the project to the competitive grant categories in subsections (1) and (2) of this section.

Airway Heights Water Treatment Plant	\$1,000,000
Small Community Jobs - Assistance for Grand Coulee School	\$500,000
Small Community Jobs - Camano Island County Park Development	\$300,000
Small Community Jobs - Connell Infrastructure	\$1,100,000
Small Community Jobs - Dayton School Biomass Heating System	\$100,000
Small Community Jobs - Grandview Downtown Revitalization	\$500,000
Small Community Jobs - Green Acres Neighborhood Park	\$200,000

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Small Community Jobs - Hoh Tribe Fire Station	\$623,000
Small Community Jobs - Longview Elementary Safety Underpass	\$250,000
Small Community Jobs - Mesa Playground	\$35,000
Small Community Jobs - Pasco Commercial Avenue Construction	\$800,000
Small Community Jobs - Union Gap School Crossing Improvement	\$227,000
Small Community Jobs - Yakima Downtown Futures	\$1,000,000
Small Community Jobs - Yelm Longmire Park	\$400,000
Urban Vitality - Federal Way Urban Infrastructure	\$5,000,000
<del>(Urban Vitality - Infrastructure for Puyallup (Parametrix))</del>	<del>(\$2,000,000)</del>
Urban Vitality - Percival Landing	\$3,000,000
Urban Vitality - Redmond Square Development	\$2,000,000
Urban Vitality - Renton Hawks Landing	\$1,700,000
Water - Gig Harbor Waste Water Treatment	\$2,500,000
Water - Pine Terrace Water Association Project	<del>(\$300,000)</del>
	<u>\$293,000</u>
<u>Total</u>	<u>\$21,528,000</u>

Appropriation:

State Building Construction Account—State	<del>(\$42,597,000)</del>
	<u>\$40,340,000</u>
State Taxable Building Construction Account—State	\$2,000,000
Subtotal Appropriation	<del>(\$44,597,000)</del>
	<u>\$42,340,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<del>(\$44,597,000)</del>
	<u>\$42,340,000</u>

**Sec. 6002.** 2010 1st sp.s. c 36 s 1001 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Local and Community Projects (20064008)

The reappropriation in this section is subject to the following conditions and limitations: (1) \$64,319 of the remaining reappropriation for El Centro de la raza may be used for building infrastructure. (2) \$10,000 of the remaining reappropriation for miracle league handicapped baseball may be used for pre-grading and resurfacing construction. (3) \$1,394,107 of the remaining reappropriation for MOBIUS/inland northwest science and technology center may be used for building design, construction, and renovation. (4) \$500,000 of

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the remaining reappropriation for the Soundway property preservation project may be used by the city of Seattle, in cooperation with the nature consortium for habitat, recreation improvements, or stewardship of the property, if the city of Seattle enacts pending city legislation to preserve the property and place it under the jurisdiction of city of Seattle parks and recreation. (5) The reappropriation is adjusted for the transfer of the Vancouver national historical reserve west barracks project to the Washington state historical society and the termination of the following projects that are no longer viable: (a) Snohomish senior center ~~((and))~~, (b) central area motivation program (CAMP), (c) undeveloped woodlands linked to interurban trail, (d) Hamilton improvement project, (e) Chambers Creek footbridge, and (f) Tukwila kayak and canoe launching facility.

Reappropriation:

State Building Construction Account—State . . . . .	(\$9,258,000)
	<u>\$8,761,000</u>
Prior Biennia (Expenditures) . . . . .	\$37,141,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	(\$46,399,000)
	<u>\$45,902,000</u>

**Sec. 6003.** 2010 1st sp.s. c 36 s 1002 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Job and Economic Development Grants (20064950)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is subject to the provisions of section 107, chapter 371, Laws of 2006.

(2) The appropriation is subject to the project list in section 107, chapter 371, Laws of 2006.

(3) Up to \$1,000,000 of the appropriation for the Pacific Northwest national labs campus infrastructure project is provided solely for giga-pop infrastructure.

(4) Up to \$2,200,000 of the appropriation is provided solely for military communities infrastructure projects. Military communities infrastructure projects shall include:

(a) Grants to counties and cities for the purchase of development easements and the purchase of real property in fee simple to restrict the use of accident potential zones and clear zones. The office of financial management shall establish a competitive process for selecting projects to receive the grants. Final allocation of these grants shall be at the discretion and with the approval of the director of the office of financial management.

The grants are subject to the following conditions:

(i) The county or city must be subject to and in compliance with RCW 36.70A.530;

(ii) The grants may not be used to remove encroachments into these zones allowed by county or city zoning or permitting actions;

(iii) The county or city must have an encroachment prevention plan preventing future encroachment into these zones; and

(iv) The grant provided by the state must not exceed one-third of the project cost with funds from local and federal sources providing the balance of the funds.

(b) Up to \$481,000 of the ((re))appropriation is provided solely for improvements to a military department site on Fairchild air force base.

Reappropriation:

Public Works Assistance Account—State . . . . .(((\$1,733,000))  
\$1,253,000

Appropriation:

State Building Construction Account—State . . . . .(((\$12,439,000))  
\$9,860,000

Prior Biennia (Expenditures) . . . . . \$35,828,000

Future Biennia (Projected Costs) . . . . . \$0

TOTAL . . . . .(((\$50,000,000))  
\$46,941,000

Sec. 6004. 2009 c 497 s 1016 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ((COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT)) COMMERCE**

Community Services Facilities Grants (20074002)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is subject to the provisions of RCW 43.63A.125.

(2) The reappropriation is subject to the provisions of section 1029, chapter 520, Laws of 2007.

(3) The reappropriation is adjusted for the termination of the YMCA of Snohomish county project.

Reappropriation:

State Building Construction Account—State . . . . .(((\$1,495,000))  
\$1,220,000

Prior Biennia (Expenditures) . . . . . \$8,652,000

Future Biennia (Projected Costs) . . . . . \$0

TOTAL . . . . .(((\$10,147,000))  
\$9,872,000

Sec. 6005. 2009 c 497 s 1017 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ((COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT)) COMMERCE**

Youth Recreational Facilities Grants (20074003)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is subject to the provisions of RCW 43.63A.135.

(2) The reappropriation is subject to the provisions of section 1007, chapter 328, Laws of 2008.

(3) The reappropriation is adjusted for the termination of the Bellevue clubhouse project and the Mukilteo boys and girls club project.

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Reappropriation:

State Building Construction Account—State . . . . .	(\$4,000,000)
	<u>\$2,950,000</u>
Prior Biennia (Expenditures) . . . . .	\$5,050,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	(\$9,050,000)
	<u>\$8,000,000</u>

**Sec. 6006.** 2009 c 497 s 1020 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ((COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT)) COMMERCE**

Water System Acquisition Rehabilitation Program (20074006)

The reappropriation in this section is subject to the following conditions and limitations: Up to \$1,000,000 of the reappropriation is provided solely for the city of Republic to acquire the Pine Grove water system.

Reappropriation:

State Building Construction Account—State . . . . .	(\$2,191,000)
	<u>\$2,097,000</u>
Prior Biennia (Expenditures) . . . . .	\$1,559,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	(\$3,750,000)
	<u>\$3,656,000</u>

**Sec. 6007.** 2010 1st sp.s. c 36 s 1005 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Job Development Fund Grants (20074010)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation is subject to the provisions of section 1032, chapter 520, Laws of 2007.
- (2) \$3,000,000 of the appropriation is provided solely for a grant to the port of Grays Harbor for the bulk liquid facility project.
- (3) The reappropriation is adjusted for (a) the termination of the city of Soap Lake project.

Reappropriation:

Job Development Account—State . . . . .	\$4,298,000
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Appropriation:

State Building Construction Account—State . . . . .	(\$20,930,000)
	<u>\$19,930,000</u>
Prior Biennia (Expenditures) . . . . .	\$24,702,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	(\$49,930,000)
	<u>\$48,930,000</u>



**Sec. 6008.** 2010 1st sp.s. c 36 s 1003 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Local and Community Projects (20084001)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The projects must comply with RCW 43.63A.125 and other requirements for community projects administered by the department.

(2) The reappropriation is subject to the provisions of section 1008, chapter 328, Laws of 2008.

(3) \$1,000,000 of the remaining reappropriation for the Evergreen school district health and biosciences academy may be used for land acquisition. If the facility is not constructed by June 30, 2015, the school district shall reimburse the state an amount equal to \$1,000,000 increased by the average percentage appreciation in property values for undeveloped land in the surrounding area between the date the school district acquired the property and June 30, 2015 or the date the school district disposes of the property.

(4) \$600,000 of the remaining reappropriation for the institute for community leadership may be used for land acquisition.

(5) \$250,000 of the remaining reappropriation for the Pacific Northwest ilocandia association may be used for acquisition and renovation.

(6) \$200,000 of the remaining reappropriation for the library connection at Greenbridge may be used for construction and equipment.

(7) \$1,000,000 of the remaining reappropriation for the Evergreen school district health and biosciences academy may be used for land acquisition.

(8) The remaining reappropriation for the Mobius/inland northwest science and technology center may be used for building design, construction, and renovation.

(9) The reappropriation is adjusted for the transfer of the Vancouver national historical reserve project to the Washington state historical society; the reduction of \$1,400,000 from the Tacoma narrows bridge lights project and \$110,000 from the Seatac world war I memorial plaza; and the termination of the following projects that are no longer viable: (a) Camp kilworth land acquisition - Federal Way, (b) Kitsap SEED, ~~((and (c) Seatac world war I memorial plaza))~~ (c) dining car historic preservation, (d) Lake Stevens civic center, (e) Mill Creek senior center, (f) mountains to sound - state route no. 18/Interstate 90 interchange project, (g) Simon youth foundation resource center, (h) Shoreline YMCA, and (i) town square grid - Drexler drive project.

(10) The remaining reappropriation for the Ashford cultural and mountaineering museum may be used for amenities in support of the amphitheater and the park.

Reappropriation:

State Building Construction Account—State . . . . .~~(\$56,650,000)~~  
\$53,450,000

Prior Biennia (Expenditures) . . . . . \$71,694,000



Prior Biennia (Expenditures) . . . . .	\$5,378,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	<del>(\$18,129,000)</del>
	<u>\$17,744,000</u>

**Sec. 6012.** 2010 1st sp.s. c 36 s 1011 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Building for the Arts Grants (30000006)

The appropriation in this section is subject to the following conditions and limitations:

- (1) Projects must be selected based on their readiness to proceed.
- (2) The grant for the Federal Way performing arts center must be to the city of Federal Way.
- (3) The appropriation is provided solely for the following list of projects:

Admiral Theatre-No Theatre Left Behind	\$140,000
Building a Foundation for Discovery	\$250,000
<del>((Campus Consolidation (Cornish)</del>	<del>\$375,000))</del>
Convert Key Bank to Everett's Plaza Theatre	\$500,000
Cottage Renovation (Hedgebrook)	\$20,000
Downstairs at the 5th	\$800,000
Federal Way Performing Arts Center	\$325,000
Gateway Center (Lummi)	\$150,000
<del>((James Center for the Performing Arts (Sequim)</del>	<del>\$150,000))</del>
Langston Hughes Performing Arts Center	\$475,000
Legacy Project (Imagine)	\$200,000
Modular Classrooms for Dance (Gladish)	\$30,000
Mt. Baker Theatre	\$1,000,000
Museum Expansion (Maryhill)	\$1,500,000
New Hands On Children's Museum	\$1,000,000
Reconstruction of First Stage (Issaquah)	\$400,000
Seattle Opera Center	\$650,000
Stage Two (Whidbey)	\$450,000
Vashon Arts Center	\$1,115,000

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Visual Arts Education Center (Snohomish County)	\$1,000,000
Viva Vera Capital Campaign	\$70,000
Total	<del>(\$10,600,000)</del> <u>\$10,075,000</u>

Appropriation:

State Building Construction Account—State	<del>(\$10,600,000)</del> <u>\$10,075,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	<del>(\$48,000,000)</del> <u>\$0</u>
TOTAL	<del>(\$58,600,000)</del> <u>\$10,075,000</u>

**Sec. 6013.** 2009 c 497 s 1041 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ~~((COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT))~~ COMMERCE**

Youth Recreational Facilities Grants (30000007)

The appropriation in this section is subject to the following conditions and limitations:

- (1) Projects must be selected based on their readiness to proceed.
- (2) The appropriation is provided solely for the following list of projects:

Allen Place	\$800,000
Auburn Boys & Girls Club	\$800,000
Central Kitsap Community Campus YMCA	\$800,000
Coal Creek Family YMCA	\$800,000
<del>((East Pierce County HOPE Center</del>	<del>\$800,000))</del>
Highline YMCA	\$800,000
<del>((Hough Pool Renovation</del>	<del>\$150,000))</del>
Jim Parsley Community Center	\$800,000
Kitsap Girl Scout Center	\$205,000
Naval Avenue Boys & Girls Club	\$80,000
Toutle River Ranch	\$360,000
West Sound Teen Center	\$305,000
YMCA Spokane Central	\$800,000
Total	<del>(\$7,500,000)</del> <u>\$6,550,000</u>

Appropriation:

State Building Construction Account—State . . . . .	(\$7,500,000)
	<u>\$6,550,000</u>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$30,000,000
TOTAL . . . . .	<del>(\$37,500,000)</del>
	<u>\$36,550,000</u>

Sec. 6014. 2009 c 497 s 1042 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ((COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT)) COMMERCE**

Building Communities Fund Grants (30000008)

The appropriation in this section is subject to the following conditions and limitations:

(1) Except as otherwise directed before the effective date of this section, the department shall not expend the appropriation in this section unless and until the nonstate share of project costs have been either expended, or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of ten years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations whose sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only, and shall not be advanced under any circumstances.

(5) Projects funded in this section must be held by the recipient for a minimum of ten years and used for the same purpose or purposes intended by the legislature as required in RCW 43.63A.125(2)(c).

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) The appropriation is provided solely for the following list of projects:

A Home for Opportunity - CASA Latina	\$325,000
Building the new Eastside Clinic - Community Health Care	\$1,900,000
Community Center for Sand Point Housing	\$350,000
Donald G. Topping HOPE Center - Boys & Girls Clubs of Puget Sound	\$1,934,250
Dove House (Domestic Violence/Sexual Assault Program of Jefferson County)	\$240,000
Duvall Multi-Service Center - Hopelink	\$617,985

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<del>((Education and Training Center Mt. Baker Planned Parenthood</del>	<del>\$881,847))</del>
Emmanuel Family Life Center - Richard Allen Enterprises	\$400,594
Eritrean Community Center Expansion	\$300,000
Ferndale Boys & Girls Club	\$752,847
Giant Step - RRA	\$520,761
Greenbridge Early Learning Center	\$1,419,281
High Point Neighborhood Center	\$2,000,000
Highline YMCA	\$1,163,000
Milgard Work Opportunity Center - Tacoma Goodwill	\$1,850,000
Northeast Community Center Expansion	\$1,300,000
Pierce County Therapy Center	\$128,000
Rainier Vista & Rainier Valley Teen Center	\$2,400,000
Repurposing Daybreak Star	\$87,500
Riverwalk Point Community Building - Spokane Neighborhood Action Program	\$79,253
Rotary Support Center for Families	\$3,500,000
Safety & Systems Improvements at El Centro de la raza	\$250,031
TAF Community Learning Space (CLS)	\$1,500,000
The Keller House Services Center	\$600,000
YMCA/YWCA Central Spokane Facility	\$3,500,000
 Total	 (( <del>\$28,000,349</del> )) <u>\$27,120,000</u>

Appropriation:

State Building Construction Account—State	(( <del>\$28,001,000</del> ))
	<u>\$27,120,000</u>
 Prior Biennia (Expenditures)	 \$0
Future Biennia (Projected Costs)	\$0
TOTAL	(( <del>\$28,001,000</del> )) <u>\$27,120,000</u>

**Sec. 6015.** 2010 1st sp.s. c 36 s 1014 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Local and Community Projects (30000019)

The appropriation in this section is subject to the following conditions and limitations:

(1) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of ten years, either through ownership or a long-term lease. This requirement does not apply to

appropriations for preconstruction activities or appropriations whose sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only, and shall not be advanced under any circumstances.

(5) Projects funded in this section must be held by the recipient for a minimum of ten years and used for the same purpose or purposes intended by the legislature as required in RCW 43.63A.125(2)(c).

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) Except as directed otherwise prior to the effective date of this section, the department shall not expend the appropriations in this section unless and until the nonstate share of project costs have been either expended, or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature.

(8) The appropriation is provided solely for the following list of projects:

**Local Community Projects**

7th St. Theater	\$330,000
Arc of Tri-Cities	\$900,000
Bellevue Clinic—Seattle Children's Hospital	\$2,000,000
Blessed Sacrament Food and Emergency Facilities Renovation	\$200,000
Children's Village Expansion Project	\$500,000
Clark County Food Distribution Facility	\$1,500,000
Coal Creek YMCA (Newcastle)	\$800,000
Dawson Place Child Advocacy Center	\$1,000,000
Federal Way National Little League Field Lighting Project and Monument Entry Sign	\$177,000
Harlequin Theater	\$235,000
Home Dialysis Center and Professional Workforce Training	\$250,000
Kirkland Park Place Redevelopment	\$2,000,000
Livingston Baker Fire and Life Safety	\$750,000
Marshland Diking District	\$500,000
Marysville Boys & Girls Club	\$500,000
McClure Middle School Energy Saving Performance Contract Demonstration Project	\$1,000,000
<del>(Mountains to Sound Greenway</del>	<del>\$100,000</del>

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Mukilteo Boys & Girls Club	\$150,000
Neighborcare Health Clinic and Rainier Beach Medical Clinic	\$1,000,000
Parkland at Japanese Gulch	\$1,000,000
Petrovitsky Park Upgrade	\$750,000
Phoenix House	\$200,000
Poulsbo Marine Center	\$500,000
Public Broadcasting Frequency Expansion	\$223,000
<del>((Ready by Five Early Learning Center</del>	<del>(\$1,000,000))</del>
Renovations to Mill Creek City Annex Building	\$30,000
Snohomish County Emergency Center	\$1,000,000
South Tacoma Community Center	\$1,000,000
Whatcom Hospice House	\$700,000
Zina Linnik	\$950,000
<u>Total</u>	<u>\$20,145,000</u>

Appropriation:

State Building Construction Account—State . . . . .	(( <del>\$20,245,000</del> ))
	<u>\$20,145,000</u>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
<b>TOTAL</b> . . . . .	<b>((<del>\$20,245,000</del>))</b>
	<u>\$20,145,000</u>

**Sec. 6016.** 2010 1st sp.s. c 36 s 1015 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**  
2010 Local and Community Projects (30000082)

The appropriation in this section is subject to the following conditions and limitations:

- (1) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of ten years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations whose sole purpose is to purchase real property that does not include a construction or renovation component.
- (2) Projects funded in this section may be required to comply with Washington's high performance building standards as required by chapter 39.35D RCW.
- (3) Project funds are available on a reimbursement basis only, and shall not be advanced under any circumstances.
- (4) Projects funded in this section must be held by the recipient for a minimum of ten years and used for the same purpose or purposes intended by the legislature as required in RCW 43.63A.125(6).



(5) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(6) Except as directed otherwise prior to the effective date of this section, the department shall not expend the appropriations in this section unless and until the nonstate share of project costs have been either expended, or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature.

(7) The appropriation is provided solely for the following list of projects:

**Local Community Projects**

Aviation High School	\$2,000,000
<u>Bainbridge Island Metropolitan Park &amp; Recreation District</u>	<u>\$130,000</u>
Children's Village Expansion	\$250,000
East King County Performing Arts Center (PACE)	\$2,000,000
Hanford Reach Interpretive Center	\$500,000
Junior Achievement (Statewide JA World Initiative)	\$1,500,000
Lake Boren Park - Replace Unsafe Playground	\$325,000
Museum of Flight Space Gallery	\$3,000,000
Pike Market Workforce Childcare Facility	\$1,000,000
Rainier Beach Medical & Dental Clinic (Neighborcare Health)	\$500,000
Relocation of NAVES Mental Health Center in Brien	\$1,000,000
Restoration of Historic Piciform Theater	\$250,000
San Juan Island Farmers Market - Purchase Historic Building	\$375,000
South King County Multi service Center	\$300,000
Spokane Aerospace Technology Center Design	\$400,000
<u>Sultan Lake 16 Dam Repair</u>	<u>\$250,000</u>
Urban League Village at Colman School/NW African American Museum	\$100,000
West Hill/Skyway Area Infrastructure	\$250,000
<u>Total</u>	<u>\$14,130,000</u>

Appropriation:

State Building Construction Account—State . . . . .	(( <del>\$13,750,000</del> ))
	<u>\$14,130,000</u>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	(( <del>\$13,750,000</del> ))
	<u>\$14,130,000</u>

**Sec. 6017.** 2010 1st. sp.s. c 36 s 1016 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Jobs Act for K-12 Public Schools and Higher Education Institutions  
(91000085)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for grants to public school districts and public higher education institutions for operational cost savings improvements to public school district and higher education facilities and related projects that result in energy and operational cost savings. Related projects are those projects that must be completed in order for the energy efficiency improvements to be effective. Grants may also be used for loan interest payments over the term of a loan.

(2) The department of commerce, in consultation with the department of general administration, the office of the superintendent of public instruction, and the Washington State University energy program shall establish a competitive process to solicit and evaluate applications from public school districts and public higher education institutions. Final grant awards shall be determined by the department of commerce.

(3) The definitions in this section apply throughout this section.

(a) "Cost-effectiveness" means that the present value to public school districts and public higher education institutions of the energy reasonably expected to be saved or produced by a facility, activity, measure, or piece of equipment over its useful life, including any compensation received from a utility or the Bonneville power administration, is greater than the net present value of the costs of implementing, maintaining, and operating such facility, activity, measure, or piece of equipment over its useful life, when discounted at the cost of public borrowing.

(b) "Energy equipment" means energy management systems and any equipment, materials, or supplies that are expected, upon installation, to reduce the energy use or energy cost of an existing building or facility, and the services associated with the equipment, materials, or supplies, including but not limited to design, engineering, financing, installation, project management, guarantees, operations, and maintenance. Reduction in energy use or energy cost may also include reductions in the use or cost of water, wastewater, or solid waste.

(c) "Energy cost savings" means savings realized in expenses for energy use and expenses associated with water, wastewater, or solid waste systems.

(d) "Energy savings performance contracting" means the process authorized by chapter 39.35C RCW by which a company contracts with a public agency to conduct energy audits and guarantee energy savings from energy efficiency.

(e) "Operational cost savings" means savings realized from parts, service fees, capital renewal costs, and other measurable annual expenses to maintain and repair systems. This definition does not mean labor savings related to existing facility staff.

(f) "Public facilities" means buildings, building components, and major equipment or systems owned by public school districts and public higher education institutions.

(g) "Innovative measures" means advanced or emerging technologies, systems or approaches that may not yet be in common practice but improve

energy efficiency, accelerate deployment, or reduce energy usage, and become widely commercially available in the future if proven successful in demonstration programs without compromising the guaranteed performance or measurable energy and operational cost savings anticipated. Examples of innovative measures include, but are not limited to, advanced energy and systems operations monitoring, diagnostics and controls systems for buildings; novel heating, cooling, ventilation and water heating systems; advanced windows and insulation technologies, highly efficient lighting technologies, designs, and controls; and integration of renewable energy sources into buildings, and energy savings verification technologies and solutions.

(4) Grants must be awarded in competitive rounds, based on demand and capacity, with at least five percent of each grant round awarded to small public school districts with fewer than 1,000 full-time equivalent students, based on demand and capacity.

(5) Within each competitive round, projects must be weighted and prioritized based on the following criteria and in the following order:

(a) Leverage ratio: In each round, the higher the leverage ratio of nonstate funding sources to state jobs act grant, the higher the project ranking.

(b) Energy savings: In each round, the higher the energy savings, the higher the project ranking. Applicants must submit documentation that demonstrates energy and operational cost savings resulting from the installation of the energy equipment and improvements. The energy savings analysis shall be performed by a licensed engineer, and the documentation must include but is not limited to the following:

(i) A description of the energy equipment and improvements;

(ii) A description of the energy and operational cost savings; and

(iii) A description of the extent to which the project employs collaborative and innovative measures and encourages demonstration of new and emerging technologies with high energy-savings or energy cost-reductions.

(c) Expediency of expenditure: Project readiness to spend funds must be prioritized so that the legislative intent to expend funds quickly is met.

(6) Projects that do not use energy savings performance contracting must:

(a) Verify energy and operational cost savings for ten years or until the energy and operational costs savings pay for the project, whichever is shorter; (b) follow the department of general administration's energy savings performance contracting project guidelines; and (c) employ a licensed engineer for the energy audit and construction. The department of commerce may require third-party verification of savings if a project is not implemented by an energy savings performance contractor selected by the department of general administration through the request of qualifications process. Third-party verification must be conducted either by an energy savings performance contractor selected by the department of general administration through a request for qualifications, a licensed engineer that is a certified energy manager, a project resource conservation manager, or educational service district resource conservation manager.

(7) To intensify competition, the department of commerce may only award funds to the top eighty-five percent of projects applying in a round until the department of commerce determines a final round is appropriate. Projects that do not receive a grant award in one round may reapply in subsequent rounds.

(8) To match federal grants and programs that require state matching funds and produce significantly higher efficiencies in operations and utilities, the level of innovation criteria may be increased for the purposes of weighted scoring to capture those federal dollars for selected projects that require a higher level of innovation and regional collaboration.

(9) Grant amounts awarded to each project must allow for the maximum number of projects funded with the greatest energy and cost benefit.

(10)(a) The department of commerce must use bond proceeds to pay one-half of the preliminary audit, up to five cents per square foot, if the project does not meet the school district's and higher education institution's predetermined cost-effectiveness criteria. Public school districts and public higher education institutions must pay the other one-half of the cost of the preliminary audit if the project does not meet their predetermined cost-effectiveness criteria.

(b) The energy savings performance contractor shall not charge for an investment grade audit if the project does not meet the school district's and higher education institution's predetermined cost-effectiveness criteria. Public school districts and public higher education institutions must pay the full price of an investment grade audit if they do not proceed with a project that meets the school district's and higher education institution's predetermined cost-effectiveness criteria.

(11) The department of commerce may charge projects administrative fees and may pay the department of general administration, the Washington State University energy program, and the office of the superintendent of public instruction administration fees in an amount determined through a memorandum of understanding.

(12) The department of commerce and the department of general administration must submit a joint report to the appropriate committees of the legislature and the office of financial management on the timing and use of the grant funds, program administrative function, compliance with apprenticeship utilization requirements in RCW 39.04.320, compliance with prevailing wage requirements, and administration fees by the end of each fiscal year, until the funds are fully expended and all savings verification requirements are fulfilled.

Appropriation:

State Building Construction Account—State . . . . .	(\$50,000,000)
	<u>\$44,809,000</u>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	(\$50,000,000)
	<u>\$44,809,000</u>

**Sec. 6018.** 2010 1st sp.s. c 36 s 1021 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Risk Pool (91000001)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for a risk pool to complete projects within the scope described in budget documents submitted as part of the governor's capital budget request and consistent with legislative history. This

section only applies to projects included in this 2010 supplemental capital budget with reduced appropriations. The office of financial management may allot portions of this appropriation ten days after notifying the senate ways and means committee and the house of representatives capital budget committee. The notification must include an explanation of the need and the amount for the allotment to complete the scope of an approved project.

Appropriation:

State Building Construction Account—State . . . . .	(\$4,000,000)	
		<u>\$0</u>
Prior Biennia (Expenditures) . . . . .	\$0	
Future Biennia (Projected Costs) . . . . .	\$0	
TOTAL . . . . .	(\$4,000,000)	<u>\$0</u>

**Sec. 6019.** 2010 1st sp.s. c 36 s 1034 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Pro Arts Building (91000002)

Appropriation:

State Building Construction Account—State . . . . .	(\$225,000)	
		<u>\$201,000</u>
Prior Biennia (Expenditures) . . . . .	\$0	
Future Biennia (Projected Costs) . . . . .	\$0	
TOTAL . . . . .	(\$225,000)	<u>\$201,000</u>

**Sec. 6020.** 2009 c 497 s 1069 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Infrastructure Relocation (20082028)

Reappropriation:

State Building Construction Account—State . . . . .	(\$1,500,000)	
		<u>\$281,000</u>
Prior Biennia (Expenditures) . . . . .	\$500,000	
Future Biennia (Projected Costs) . . . . .	\$0	
TOTAL . . . . .	(\$2,000,000)	<u>\$781,000</u>

**Sec. 6021.** 2009 c 497 s 1076 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Facility Oversight Program: Staffing (30000063)

~~((The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the department of general administration to assist the office of financial management with the development and implementation of RCW 43.82.035 and 43.82.055.))~~

Appropriation:

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State Building Construction Account—State	(\$740,000)
	<u>\$705,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$5,597,000
TOTAL	(\$6,337,000)
	<u>\$6,302,000</u>

**Sec. 6022.** 2009 c 497 s 1078 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Engineering and Architectural Services: Staffing (30000086)

Appropriation:

State Building Construction Account—State	(\$9,300,000)
	<u>\$9,169,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$43,033,000
TOTAL	(\$52,333,000)
	<u>\$52,202,000</u>

**Sec. 6023.** 2010 1st sp.s. c 36 s 2006 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Capacity to Replace Maple Lane School (92000005)

Appropriation:

State Building Construction Account—State	(\$760,000)
	<u>\$2,097,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	(\$1,025,000)
	<u>\$0</u>
TOTAL	(\$1,785,000)
	<u>\$2,097,000</u>

**Sec. 6024.** 2009 c 497 s 2016 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Special Commitment Center Medium Management Housing Addition (20082505)

~~((The reappropriation in this section is subject to the following conditions and limitations:~~

~~The reappropriation is to add residential space to existing facilities by remodeling existing residential space and converting existing program space to residential space for additional beds.))~~

Reappropriation:

State Building Construction Account—State	(\$700,000)
	<u>\$554,000</u>
Prior Biennia (Expenditures)	\$575,000
Future Biennia (Projected Costs)	\$53,664,000
TOTAL	(\$54,939,000)

\$54,793,000

Sec. 6025. 2009 c 497 s 2025 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Western State Hospital: Traffic Study Implementation (30000843)

Appropriation:

State Building Construction Account—State . . . . . ~~(\$355,000)~~  
\$39,000

Prior Biennia (Expenditures) . . . . . \$0

Future Biennia (Projected Costs) . . . . . \$996,000

TOTAL . . . . . ~~(\$1,351,000)~~

\$1,035,000

Sec. 6026. 2009 c 497 s 2012 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Western State Hospital New Kitchen and Commissary Building (20081319)

Reappropriation:

State Building Construction Account—State . . . . . \$400,000

Appropriation:

State Building Construction Account—State . . . . . ~~(\$650,000)~~  
\$540,000

Prior Biennia (Expenditures) . . . . . \$250,000

Future Biennia (Projected Costs) . . . . . \$0

TOTAL . . . . . ~~(\$1,300,000)~~

\$1,190,000

Sec. 6027. 2009 c 497 s 2017 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Fircrest Campus Master Plan (20082850)

~~((The reappropriation in this section is subject to the following conditions and limitations:~~

~~(1) The department shall resume and complete a master plan of the portion of the Fircrest campus that is not utilized by the Fircrest school or the department of health.~~

~~(2) In drafting the master plan, the department shall consult with the following:~~

- ~~(a) The city of Shoreline;~~
- ~~(b) The department of natural resources;~~
- ~~(c) The department of health regarding their master planning effort;~~
- ~~(d) Representatives of institutions of higher education with whom the department has a partnership; and~~
- ~~(e) Representatives of the Shoreline community and neighboring communities.))~~

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Reappropriation:

State Building Construction Account—State	.....	(\$50,000)
		<u>\$47,000</u>
Prior Biennia (Expenditures)	.....	\$395,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	(\$445,000)
		<u>\$442,000</u>

**Sec. 6028.** 2009 c 497 s 2041 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

Coyote Ridge Corrections Center: Design and Construct Medium Security Beds (19982011)

Reappropriation:

State Building Construction Account—State	.....	(\$4,772,000)
		<u>\$4,630,000</u>
Prior Biennia (Expenditures)	.....	\$228,170,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	(\$232,942,000)
		<u>\$232,800,000</u>

**Sec. 6029.** 2009 c 497 s 2045 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

Monroe Corrections Center: Health Care Facility (20062043)

Reappropriation:

State Building Construction Account—State	.....	(\$283,000)
		<u>\$1,000</u>
Prior Biennia (Expenditures)	.....	\$417,000
Future Biennia (Projected Costs)	.....	(\$89,446,000)
		<u>\$17,604,000</u>
TOTAL	.....	(\$90,146,000)
		<u>\$18,022,000</u>

**Sec. 6030.** 2009 c 497 s 2048 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

Larch Corrections Center: 80-Bed Expansion (20062852)

Reappropriation:

State Building Construction Account—State	.....	(\$560,000)
		<u>\$425,000</u>
Prior Biennia (Expenditures)	.....	\$2,512,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	(\$3,072,000)
		<u>\$2,937,000</u>

**Sec. 6031.** 2009 c 497 s 2043 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

McNeil Island Corrections: Replace and Stabilize Housing Unit Siding (20061005)



Reappropriation:

State Building Construction Account—State . . . . .	<del>(\$400,000)</del>
	<u>\$211,000</u>
Prior Biennia (Expenditures) . . . . .	\$3,394,000
Future Biennia (Projected Costs) . . . . .	\$4,087,000
TOTAL . . . . .	<del>(\$7,881,000)</del>
	<u>\$7,692,000</u>

**Sec. 6032.** 2009 c 497 s 2044 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

Washington State Penitentiary: South Close Security Complex (20062021)

Reappropriation:

State Building Construction Account—State . . . . .	<del>(\$35,950,000)</del>
	<u>\$34,287,000</u>
Prior Biennia (Expenditures) . . . . .	\$29,344,000
Future Biennia (Projected Costs) . . . . .	<del>(\$14,276,000)</del>
	<u>\$0</u>
TOTAL . . . . .	<del>(\$79,570,000)</del>
	<u>\$63,631,000</u>

**Sec. 6033.** 2009 c 497 s 2046 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

Washington Corrections Center for Women: Healthcare Center (20062066)

Reappropriation:

State Building Construction Account—State . . . . .	<del>(\$7,700,000)</del>
	<u>\$6,935,000</u>
Prior Biennia (Expenditures) . . . . .	\$11,358,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	<del>(\$19,058,000)</del>
	<u>\$18,293,000</u>

**Sec. 6034.** 2009 c 497 s 2049 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

Airway Heights Heating and Cooling Loop Replacement (20081001)

Reappropriation:

State Building Construction Account—State . . . . .	<del>(\$180,000)</del>
	<u>\$104,000</u>
Prior Biennia (Expenditures) . . . . .	\$2,745,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	<del>(\$2,925,000)</del>
	<u>\$2,849,000</u>

**Sec. 6035.** 2009 c 497 s 2050 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

McNeil Island Corrections Center: Replace Barge Slip Pilings (20081002)

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Reappropriation:

State Building Construction Account—State	.....	(\$3,612,000)
		<u>\$3,146,000</u>
Prior Biennia (Expenditures)	.....	\$288,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	(\$3,900,000)
		<u>\$3,434,000</u>

**Sec. 6036.** 2009 c 497 s 2051 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

Replace Kitchen Roofs at Monroe Correctional Complex (20081003)

Reappropriation:

State Building Construction Account—State	.....	(\$250,000)
		<u>\$157,000</u>
Prior Biennia (Expenditures)	.....	\$1,812,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	(\$2,062,000)
		<u>\$1,969,000</u>

**Sec. 6037.** 2009 c 497 s 2052 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

Washington Corrections Center: Replace G Building Roof (20081004)

Reappropriation:

State Building Construction Account—State	.....	(\$412,000)
		<u>\$205,000</u>
Prior Biennia (Expenditures)	.....	\$4,019,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	(\$4,431,000)
		<u>\$4,224,000</u>

**Sec. 6038.** 2009 c 497 s 2053 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

Washington Corrections Center: Replace Roofs (20081005)

Reappropriation:

State Building Construction Account—State	.....	(\$900,000)
		<u>\$890,000</u>
Prior Biennia (Expenditures)	.....	\$5,766,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	(\$6,666,000)
		<u>\$6,656,000</u>

**Sec. 6039.** 2010 1st sp.s. c 36 s 2016 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

Washington State Penitentiary: Replace Roofs (20081007)

Reappropriation:

State Building Construction Account—State	.....	<del>(\$180,000)</del>
		<u>\$160,000</u>
Prior Biennia (Expenditures)	.....	\$589,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	<del>(\$769,000)</del>
		<u>\$749,000</u>

**Sec. 6040.** 2009 c 497 s 2055 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

Washington Corrections Center: Replace Fire Alarm System (20081008)

Reappropriation:

State Building Construction Account—State	.....	<del>(\$600,000)</del>
		<u>\$487,000</u>
Prior Biennia (Expenditures)	.....	\$924,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	<del>(\$1,524,000)</del>
		<u>\$1,411,000</u>

**Sec. 6041.** 2009 c 497 s 2056 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

Replace Electrical Distribution Building at Special Offenders Unit (20081009)

Reappropriation:

State Building Construction Account—State	.....	<del>(\$539,000)</del>
		<u>\$536,000</u>
Prior Biennia (Expenditures)	.....	\$683,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	<del>(\$1,222,000)</del>
		<u>\$1,219,000</u>

**Sec. 6042.** 2009 c 497 s 2057 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

Washington State Reformatory: Replace Cell Door and Electronics (20081010)

Reappropriation:

State Building Construction Account—State	.....	<del>(\$230,000)</del>
		<u>\$133,000</u>
Prior Biennia (Expenditures)	.....	\$1,315,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	<del>(\$1,545,000)</del>
		<u>\$1,448,000</u>

**Sec. 6043.** 2009 c 497 s 2058 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

Clallam Bay Corrections Center: Replace Telecommunications Infrastructure (20081013)

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Reappropriation:

State Building Construction Account—State	..(( <u>\$1,329,000</u> ))
	<u>\$1,110,000</u>
Prior Biennia (Expenditures)	.....\$521,000
Future Biennia (Projected Costs)	..(( <u>\$19,045,000</u> ))
	<u>\$19,105,000</u>
TOTAL	..(( <u>\$20,895,000</u> ))
	<u>\$20,736,000</u>

**Sec. 6044.** 2009 c 497 s 2062 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

Washington State Penitentiary: Laundry Improvements (20081033)

Reappropriation:

State Building Construction Account—State	..(( <u>\$3,701,000</u> ))
	<u>\$3,686,000</u>
Prior Biennia (Expenditures)	.....\$350,000
Future Biennia (Projected Costs)	.....\$0
TOTAL	..(( <u>\$4,051,000</u> ))
	<u>\$4,036,000</u>

**Sec. 6045.** 2009 c 497 s 2063 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

Washington Corrections Center: Expand Reception Center (20082016)

Reappropriation:

State Building Construction Account—State	..(( <u>\$73,000</u> ))
	<u>\$2,000</u>
Prior Biennia (Expenditures)	.....\$397,000
Future Biennia (Projected Costs)	..(( <u>\$64,100,000</u> ))
	<u>\$55,900,000</u>
TOTAL	..(( <u>\$64,570,000</u> ))
	<u>\$56,299,000</u>

**Sec. 6046.** 2009 c 497 s 2066 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

Airway Heights Corrections Center: Sex Offender Treatment Program Building (20082028)

Reappropriation:

State Building Construction Account—State	..(( <u>\$550,000</u> ))
	<u>\$545,000</u>
Prior Biennia (Expenditures)	.....\$4,397,000
Future Biennia (Projected Costs)	.....\$0
TOTAL	..(( <u>\$4,947,000</u> ))
	<u>\$4,942,000</u>

**Sec. 6047.** 2010 1st sp.s. c 36 s 2010 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

Washington Corrections Center for Women: Roof Replacement (30000178)

Appropriation:

State Building Construction Account—State . . . . .	(\$1,557,000)	
		<u>\$860,000</u>
Prior Biennia (Expenditures) . . . . .	\$0	
Future Biennia (Projected Costs) . . . . .	\$0	
TOTAL . . . . .	(\$1,557,000)	<u>\$860,000</u>

**Sec. 6048.** 2009 c 497 s 2074 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

Washington Corrections Center: Replace Fire Detection/Suppression (30000123)

Appropriation:

State Building Construction Account—State . . . . .	(\$1,098,000)	
		<u>\$898,000</u>
Prior Biennia (Expenditures) . . . . .	\$0	
Future Biennia (Projected Costs) . . . . .	\$0	
TOTAL . . . . .	(\$1,098,000)	<u>\$898,000</u>

**Sec. 6049.** 2009 c 497 s 2073 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

Washington Corrections Center for Women: Replace Fire Alarm (30000121)

Appropriation:

State Building Construction Account—State . . . . .	(\$1,625,000)	
		<u>\$661,000</u>
Prior Biennia (Expenditures) . . . . .	\$0	
Future Biennia (Projected Costs) . . . . .	\$0	
TOTAL . . . . .	(\$1,625,000)	<u>\$661,000</u>

**Sec. 6050.** 2009 c 497 s 3026 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Centennial Clean Water Program (20084010)

Reappropriation:

State Building Construction Account—State . . . . .	(\$34,870,000)	
		<u>\$34,470,000</u>
Water Quality Capital Account—State . . . . .	\$4,698,000	
Subtotal Reappropriation . . . . .	\$39,168,000	
Prior Biennia (Expenditures) . . . . .	\$27,315,000	
Future Biennia (Projected Costs) . . . . .	\$0	
TOTAL . . . . .	(\$66,883,000)	<u>\$66,483,000</u>

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**Sec. 6051.** 2009 c 497 s 3011 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Columbia River Program (20062010)

Reappropriation:

State Building Construction Account—State	.....	(\$1,423,000)
		<u>\$1,183,000</u>
Prior Biennia (Expenditures)	.....	\$14,577,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	(\$16,000,000)
		<u>\$15,760,000</u>

**Sec. 6052.** 2009 c 497 s 3006 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Water Conveyance Infrastructure Projects (20052850)

Reappropriation:

Water Quality Capital Account—State	.....	\$81,000
State Building Construction Account—State	.....	(\$1,708,000)
		<u>\$1,689,000</u>
State and Local Improvements Revolving Account (Water Supply Facilities)—State	.....	\$438,000
Subtotal Reappropriation	.....	(\$2,227,000)
		<u>\$2,208,000</u>
Prior Biennia (Expenditures)	.....	\$3,573,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	(\$5,800,000)
		<u>\$5,781,000</u>

**Sec. 6053.** 2009 c 497 s 3004 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Water Supply Facilities (20044006)

Reappropriation:

State Building Construction Account—State	.....	(\$1,600,000)
		<u>\$1,468,000</u>
State and Local Improvements Revolving Account (Water Supply Facilities)—State	.....	\$392,000
Subtotal Reappropriation	.....	(\$1,992,000)
		<u>\$1,860,000</u>
Prior Biennia (Expenditures)	.....	\$11,658,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	(\$13,650,000)
		<u>\$13,518,000</u>

**Sec. 6054.** 2009 c 497 s 3008 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Quad Cities Water Right Mitigation (20052852)

Reappropriation:

State Building Construction Account—State	.....(((\$1,925,000))
	<u>\$1,325,000</u>
Prior Biennia (Expenditures)	..... \$275,000
Future Biennia (Projected Costs)	..... \$0
TOTAL	.....(((\$2,200,000))
	<u>\$1,600,000</u>

Sec. 6055. 2009 c 497 s 3005 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**  
Centennial Clean Water Fund (20044007)

Reappropriation:

State Building Construction Account—State	.....(((\$1,481,000))
	<u>\$1,366,000</u>
Water Quality Capital Account—State	..... \$31,000
Subtotal Reappropriation	.....(((\$1,512,000))
	<u>\$1,397,000</u>
Prior Biennia (Expenditures)	..... \$43,538,000
Future Biennia (Projected Costs)	..... \$0
TOTAL	.....(((\$45,050,000))
	<u>\$44,935,000</u>

Sec. 6056. 2009 c 497 s 3039 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**  
Flood Protection Study (20082855)

~~((The reappropriation in this section is subject to the following conditions and limitations: The reappropriation in this section is provided solely for the department to conduct a study to determine the number of decertified levees in the state and to identify strategies for recertifying the levees so that they provide optimum protection for the communities protected by the levees. The department must prioritize areas to include in the study based on population and the economic impact of potential flood damage.~~

~~The study must include the following components:~~

- ~~(1) A working group of levee managers to advise and inform the study;~~
- ~~(2) A technical review of the structural integrity of levee systems;~~
- ~~(3) An inventory, map, and rate the effectiveness of existing levee systems;~~

~~and~~

- ~~(4) The development of strategies and actions needed to improve the existing levee system and to ensure certification by the United States army corps of engineers for one hundred year flood protection.~~

~~The study must be completed and a report provided to the appropriate legislative committees by July 1, 2010.)~~

Reappropriation:

State Building Construction Account—State	..... (((\$280,000))
	<u>\$205,000</u>
Prior Biennia (Expenditures)	..... \$0

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Future Biennia (Projected Costs).....	\$0
TOTAL .....	(\$280,000)
	<u>\$205,000</u>

**Sec. 6057.** 2010 1st sp.s. c 36 s 3015 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Safe Soils Remediation Program (30000019)

Appropriation:

State Building Construction Account—State .....	(\$2,380,000)
	<u>\$669,000</u>
Cleanup Settlement Account—State .....	\$1,620,000
Subtotal Appropriation .....	(\$4,000,000)
	<u>\$2,289,000</u>

Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL .....	(\$4,000,000)
	<u>\$2,289,000</u>

**Sec. 6058.** 2009 c 497 s 3055 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Protect Communities from Flood and Drought (92000002)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$2,500,000 of the appropriation is provided solely for the Columbia basin ground water management area ground water hydrologic modeling project. The project shall submit a report to the appropriate committees of the legislature that does the following:

- (a) Describes the physical properties of the aquifer system and the variation of those properties throughout the area of concern,
- (b) Quantifies the rate and location of aquifer recharge and discharge within the subarea,
- (c) Quantifies the water balance for the by land use type,
- (d) Demonstrates with empirical data a viable solution to the observed problems in the area of concern,
- (e) Estimates the quantity of water needed for the solution, and
- (f) Evaluates the physical and legal availability of such water from the Columbia River. The final report must be submitted by June 30, 2011.

(2) \$10,000,000 of the appropriation is provided solely for a grant to repair the Horseshoe Bend levy that protects communities in the Kent valley.

(3) \$150,000 of the appropriation is provided solely for a grant for the King County fire protection district no. 16 to prevent flood damage to the fire station.

(4) \$2,350,000 of the appropriation is provided solely for a competitive grant program for projects that protect communities from flood damage and prepare communities for drought and water shortages. The department shall prioritize applications from communities most at risk to flood damage and drought and who are least able to fund mitigation projects from local resources.



The department shall also seek to balance the needs of different regions of the state, and choose projects most ready to proceed.

Appropriation:

State Building Construction Account—State . . . . .	<del>(\$15,000,000)</del>
	<u>\$14,975,000</u>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	<del>(\$15,000,000)</del>
	<u>\$14,975,000</u>

**Sec. 6059.** 2010 1st sp.s. c 36 s 3020 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**  
Cama Beach State Park (30000101)

Appropriation:

State Building Construction Account—State . . . . .	<del>(\$2,775,000)</del>
	<u>\$1,625,000</u>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	<del>(\$2,775,000)</del>
	<u>\$1,625,000</u>

**Sec. 6060.** 2010 1st sp.s. c 36 s 3017 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**  
Flaming Geyser State Park Park-wide Infrastructure Redevelopment  
(30000173)

Appropriation:

State Building Construction Account—State . . . . .	<del>(\$3,003,000)</del>
	<u>\$603,000</u>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	<del>(\$3,003,000)</del>
	<u>\$603,000</u>

**Sec. 6061.** 2009 c 497 s 3077 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**  
Bay View Park Wide Wastewater Treatment System (20082041)

Reappropriation:

State Building Construction Account—State . . . . .	<del>(\$1,760,000)</del>
	<u>\$510,000</u>
Prior Biennia (Expenditures) . . . . .	\$427,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	<del>(\$2,187,000)</del>
	<u>\$937,000</u>

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**Sec. 6062.** 2009 c 497 s 3082 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Minor Works Preservation (30000001)

Appropriation:

State Building Construction Account—State . . . . .	(( <del>\$6,930,000</del> ))
	<u>\$6,800,000</u>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$40,641,000
TOTAL . . . . .	(( <del>\$47,571,000</del> ))
	<u>\$47,441,000</u>

**Sec. 6063.** 2010 1st sp.s. c 36 s 3024 (uncodified) is amended to read as follows:

**FOR THE RECREATION AND CONSERVATION FUNDING BOARD**  
 Washington Wildlife Recreation Grants (20084011)

The reappropriations in this section are subject to the following conditions and limitations:

(1) The reappropriations are provided solely for the approved list of projects in LEAP capital document No. 2007-3 as developed on March 17, 2007, and LEAP capital document No. 2008-1 as developed on February 13, 2008.

(2) If additional funds are available after funding the farmlands preservation account projects approved in subsection (1) of this section, the committee may: Provide one-time grants of up to \$25,000 each to counties requesting assistance in developing farmlands preservation strategies for the purpose of seeking grants from the farmlands preservation account in future grant cycles.

(3) Funds reappropriated for distribution according to the provisions of RCW 79A.15.040(1)(c) must be allocated forty percent to local government projects and sixty percent to state agency projects. If the cumulative total of local government projects is less than forty percent of the total distribution to this category, the difference may be allocated to state agency projects.

(4) Up to \$627,299 of the reappropriation from the riparian protection account is provided solely for the Chehalis river surge plain natural area preserve. This amount may not be expended for the project until the department of natural resources has completed a management plan for the preserve that maintains recreational access and that management plan is presented to the house of representatives capital budget and senate ways and means committees.

Reappropriation:

Farmlands Preservation Account—State . . . . .	(( <del>\$4,319,000</del> ))
	<u>\$3,792,000</u>
Riparian Protection Account—State . . . . .	\$12,500,000
Habitat Conservation Account—State . . . . .	\$23,956,000
Outdoor Recreation Account—State . . . . .	\$22,994,000
Subtotal Reappropriation . . . . .	(( <del>\$63,769,000</del> ))
	<u>\$63,242,000</u>
Prior Biennia (Expenditures) . . . . .	\$35,250,000
Future Biennia (Projected Costs) . . . . .	\$0

TOTAL .....((~~\$99,019,000~~))  
\$98,492,000

**Sec. 6064.** 2009 c 497 s 3135 (uncodified) is amended to read as follows:

**FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Washington Wildlife Recreation Grants (30000002)

~~((The appropriations in this section are subject to the following conditions and limitations:~~

~~The appropriations are provided solely for the list of projects in LEAP capital document No. 2009-1a, developed April 23, 2009.))~~

Appropriation:

Riparian Protection Account—State ..... \$10,000,000  
 Habitat Conservation Account—State..... \$27,000,000  
 Outdoor Recreation Account—State ..... \$27,000,000  
 Farmlands Preservation Account—State .....(~~\$6,000,000~~)  
\$5,445,000  
 Subtotal Appropriation.....(~~\$70,000,000~~)  
\$69,445,000

Prior Biennia (Expenditures)..... \$0  
 Future Biennia (Projected Costs)..... \$200,000,000  
 TOTAL.....(~~\$270,000,000~~)  
\$269,445,000

**Sec. 6065.** 2009 c 497 s 3157 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Voights Creek Hatchery (20081003)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$200,000 of the amount appropriated is provided solely for the repair necessary to restore the facility for limited operations;

(2) \$550,000 of the amount appropriated is provided solely for property acquisition. If the department does not acquire property, the amount provided in this subsection shall lapse; and

(3) \$50,000 of the amount appropriated is provided solely for the department to participate in a work group with the Puyallup Tribe of Indians that will make recommendations no later than December 1, 2009, regarding the options for improving production from hatcheries along the Puyallup river system while reducing cost. Options to be considered include shifting production among the hatcheries, consolidation of hatcheries, and shifting responsibilities for construction, maintenance and operations of hatcheries.

Reappropriation:

State Building Construction Account—State ..... \$150,000

Appropriation:

State Building Construction Account—State ..... (~~\$800,000~~)  
\$792,000

Prior Biennia (Expenditures)..... \$355,000

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Future Biennia (Projected Costs) . . . . . \$1,800,000  
TOTAL . . . . . ((~~\$3,105,000~~))  
\$3,097,000

**Sec. 6066.** 2009 c 497 s 3186 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
(~~Bebee~~) Beebe Springs Phase 3 (92000006)

Appropriation:

State Building Construction Account—State . . . . . ((~~\$2,643,000~~))  
\$1,043,000

Prior Biennia (Expenditures) . . . . . \$0  
Future Biennia (Projected Costs) . . . . . \$0  
TOTAL . . . . . ((~~\$2,643,000~~))  
\$1,043,000

**Sec. 6067.** 2009 c 497 s 3174 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Washougal Hatchery Pond Renovation (30000094)

Appropriation:

State Building Construction Account—State . . . . . ((~~\$1,236,000~~))  
\$1,086,000

Prior Biennia (Expenditures) . . . . . \$0  
Future Biennia (Projected Costs) . . . . . \$0  
TOTAL . . . . . ((~~\$1,236,000~~))  
\$1,086,000

**Sec. 6068.** 2009 c 497 s 3184 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Chambers Creek Adult Trap (20081004)

Reappropriation:

State Building Construction Account—State . . . . . ((~~\$240,000~~))  
\$0

Prior Biennia (Expenditures) . . . . . \$12,000  
Future Biennia (Projected Costs) . . . . . ((~~\$450,000~~))  
\$0  
TOTAL . . . . . ((~~\$702,000~~))  
\$12,000

**Sec. 6069.** 2009 c 497 s 3166 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Skookumchuck Hatchery Renovation (20082015)

Reappropriation:

State Building Construction Account—State . . . . . \$200,000

Appropriation:

State Building Construction Account—State . . . . . ((~~\$3,728,000~~))  
\$3,128,000

Prior Biennia (Expenditures) . . . . .	\$328,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	<del>(\$4,256,000)</del>
	<u>\$3,656,000</u>

**Sec. 6070.** 2009 c 497 s 3175 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Grays River Hatchery Intake Replacement (30000089)

Appropriation:

State Building Construction Account—State . . . . .	<del>(\$549,000)</del>
	<u>\$81,000</u>

Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	<del>(\$3,499,000)</del>
	<u>\$4,000,000</u>

TOTAL . . . . .	<del>(\$4,048,000)</del>
	<u>\$4,081,000</u>

**Sec. 6071.** 2009 c 497 s 3193 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

Road Maintenance and Abandonment Projects (30000071)

Appropriation:

State Building Construction Account—State . . . . .	<del>(\$500,000)</del>
	<u>\$450,000</u>

Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$1,800,000

TOTAL . . . . .	<del>(\$2,300,000)</del>
	<u>\$2,250,000</u>

**Sec. 6072.** 2009 c 497 s 3194 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

Natural Areas Facilities Preservation and Access (30000079)

Appropriation:

State Building Construction Account—State . . . . .	<del>(\$700,000)</del>
	<u>\$665,000</u>

Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$13,923,000

TOTAL . . . . .	<del>(\$14,623,000)</del>
	<u>\$14,588,000</u>

**Sec. 6073.** 2009 c 497 s 3195 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

Recreation Capital Renovations (30000109)

Appropriation:

State Building Construction Account—State . . . . .	<del>(\$816,000)</del>
	<u>\$591,000</u>

Prior Biennia (Expenditures) . . . . .	\$0
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Future Biennia (Projected Costs) . . . . . \$32,682,000  
TOTAL . . . . . ~~(\$33,498,000)~~  
\$33,273,000

**Sec. 6074.** 2009 c 497 s 3189 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Colville Armory (20082851)

Reappropriation:

Forest Development Account—State . . . . . \$306,000  
Resource Management Cost Account—State . . . . . \$323,000  
State Building Construction Account—State . . . . . ~~(\$292,000)~~  
\$162,000  
Subtotal Reappropriation . . . . . ~~(\$921,000)~~  
\$791,000

Prior Biennia (Expenditures) . . . . . \$21,000  
Future Biennia (Projected Costs) . . . . . \$3,000,000  
TOTAL . . . . . ~~(\$3,942,000)~~  
\$3,812,000

**Sec. 6075.** 2009 c 497 s 3192 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Blanchard Mountain (20081951)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely as a continuing compensation for preservation of the core of Blanchard mountain in Skagit County and the subsequent acquisition of replacement working forest lands as Skagit county state forest lands. The department shall consult with the University of Washington college of forest resources' northwest environmental forum and with other interest groups prior to the purchase.

Reappropriation:

State Building Construction Account—State . . . . . \$3,975,000

Appropriation:

State Building Construction Account—State . . . . . ~~(\$1,500,000)~~  
\$527,000

Prior Biennia (Expenditures) . . . . . \$25,000  
Future Biennia (Projected Costs) . . . . . \$0  
TOTAL . . . . . ~~(\$5,500,000)~~  
\$4,527,000

**Sec. 6076.** 2009 c 497 s 5015 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
Apple Awards (91000001)

~~(The appropriation in this section is subject to the following conditions and limitations: Grants of \$25,000 may be awarded to public elementary schools whose students propose capital projects on school property or on other public property in the community, city, or county in which the school is located. The~~

~~program must be administered by the office of the superintendent of public instruction which shall determine competitive criteria for awarding the grants. \$125,000 of the appropriation is available for five awards of \$25,000 each in the 2009-2010 school year and \$125,000 of the appropriation for five awards of \$25,000 each in the 2010-2011 school year. The funds must be used exclusively for capital projects as proposed by the students in the schools and approved by the district's school board.)~~

Appropriation:

State Building Construction Account—State . . . . .	(\$250,000)
	<u>\$247,000</u>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	(\$250,000)
	<u>\$247,000</u>

**Sec. 6077.** 2010 1st sp.s. c 36 s 5007 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
Energy Efficiency and Small Repair Grants (91000007)

The appropriation in this section is subject to the following conditions and limitations:

(1) Up to \$3,000,000 of the appropriation is provided solely for nonrecurring costs associated with school facility repairs and renovations necessary for health and safety. The office of the superintendent of public instruction, after consulting with maintenance and operations administrators of school districts, shall develop criteria for providing funding for specific projects to stay within the appropriation level provided in this section. The criteria must include, but are not limited to, the following: (a) Limiting recipient district applications to one hundred thousand dollars per three-year period; (b) limiting districts eligible to receive the grant only once in any three-year period; and (c) requiring any district receiving funding provided in this section to demonstrate a consistent commitment to addressing school facilities needs.

(2) \$50,000,000 of the new appropriation is provided solely for energy operational cost savings improvements to school facilities. The appropriation must be distributed using the performance-based contracting method of delivering energy operational cost savings improvements to public facilities.

(3) The superintendent of public instruction must report to the appropriate committees of the legislature and the office of financial management on the timing and use of the funds by the end of each fiscal year, until the funds are fully expended.

(4) \$100,000 of the appropriation is provided solely to the Monroe public schools for retrofitting the Frank Wagner Elementary chimney.

Appropriation:

State Building Construction Account—State . . . . .	(\$70,000,000)
	<u>\$69,889,000</u>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0

**Ch. 49 WASHINGTON LAWS, 2011 Sp. Sess.**

TOTAL . . . . . (\$70,000,000)  
\$69,889,000

**NEW SECTION. Sec. 6078.** A new section is added to 2009 c 497 (uncodified) to read as follows:

**FOR THE WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS**

Well Replacement (91000003)

Appropriation:

State Building Construction Account—State . . . . . \$264,000

Prior Biennia (Expenditures) . . . . . \$0

Future Biennia (Projected Costs) . . . . . \$0

TOTAL . . . . . \$264,000

**Sec. 6079.** 2010 1st sp.s. c 36 s 5012 (uncodified) is amended to read as follows:

**FOR THE UNIVERSITY OF WASHINGTON**

Savery Hall Renovation (20061005)

Reappropriation:

Gardner-Evans Higher Education Construction

Account—State . . . . . (\$10,822,000)  
\$10,757,000

Prior Biennia (Expenditures) . . . . . \$50,510,000

Future Biennia (Projected Costs) . . . . . \$0

TOTAL . . . . . (\$61,332,000)  
\$61,267,000

**Sec. 6080.** 2009 c 497 s 5077 (uncodified) is amended to read as follows:

**FOR THE CENTRAL WASHINGTON UNIVERSITY**

Hogue Hall Renovation and Addition (20082003)

Reappropriation:

Gardner-Evans Higher Education Construction

Account—State . . . . . (\$1,500,000)  
\$1,473,000

Appropriation:

State Building Construction Account—State . . . . . \$27,265,000

Prior Biennia (Expenditures) . . . . . \$1,500,000

Future Biennia (Projected Costs) . . . . . (\$18,837,000)

TOTAL . . . . . (\$49,102,000)  
\$30,238,000

**Sec. 6081.** 2009 c 497 s 5082 (uncodified) is amended to read as follows:

**FOR THE CENTRAL WASHINGTON UNIVERSITY**

Science Building (30000045)



Appropriation:

State Building Construction Account—State . . . . .	(\$600,000)
	<u>\$578,000</u>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$55,870,000
TOTAL . . . . .	(\$56,470,000)
	<u>\$56,448,000</u>

Sec. 6082. 2010 1st sp.s. c 36 s 5041 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

Vancouver National Historic Reserve Visitors Center (91000001)

Appropriation:

State Building Construction Account . . . . .	(\$750,000)
	<u>\$0</u>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	(\$750,000)
	<u>\$0</u>

Sec. 6083. 2010 1st sp.s. c 36 s 5078 (uncodified) is amended to read as follows:

**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Construction Contingency Pool (92000007)

~~((The appropriation in this section is provided solely for allocation by the state board for community and technical colleges for major construction and renovation projects that confront emergent and unavoidable costs in excess of the construction contingency and management reserves included in the project appropriation. The board shall report at least quarterly to the office of financial management and the legislative capital budget committees on requests for and allocations from the pool.))~~

Appropriation:

State Building Construction Account—State . . . . .	(\$3,076,000)
	<u>\$2,835,000</u>
Gardner-Evans Higher Education Construction	
Account—State . . . . .	\$263,000
Subtotal Appropriation . . . . .	(\$3,339,000)
	<u>\$3,098,000</u>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	(\$3,339,000)
	<u>\$3,098,000</u>

Sec. 6084. 2010 1st sp.s. c 36 s 5080 (uncodified) is amended to read as follows:

**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Centralia Community College - Science Building (20042850)

**Ch. 49 WASHINGTON LAWS, 2011 Sp. Sess.**

Reappropriation:

State Building Construction Account—State . . . . .	\$194,000
Gardner-Evans Higher Education Construction Account—State. . . . .	<u>(\$2,737,000)</u>
	<u>\$2,445,000</u>
Subtotal Reappropriation . . . . .	<u>(\$2,931,000)</u>
	<u>\$2,639,000</u>
Prior Biennia (Expenditures) . . . . .	\$28,919,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	<u>(\$31,850,000)</u>
	<u>\$31,558,000</u>

**Sec. 6085.** 2009 c 497 s 5144 (uncodified) is amended to read as follows:

**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Spokane Falls - Business and Social Science Building (20051853)

Reappropriation:

Gardner-Evans Higher Education Construction Account—State. . . . .	<u>(\$1,000,000)</u>
	<u>\$416,000</u>
Prior Biennia (Expenditures) . . . . .	\$19,313,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	<u>(\$20,313,000)</u>
	<u>\$19,729,000</u>

**Sec. 6086.** 2009 c 497 s 5161 (uncodified) is amended to read as follows:

**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Infrastructure Savings (20061751)

Reappropriation:

Gardner-Evans Higher Education Construction Account—State. . . . .	<u>(\$519,000)</u>
	<u>\$402,000</u>
Prior Biennia (Expenditures) . . . . .	\$2,197,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	<u>(\$2,716,000)</u>
	<u>\$2,599,000</u>

**Sec. 6087.** 2009 c 497 s 5228 (uncodified) is amended to read as follows:

**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Bellingham Technical College - Fisheries Program (30000117)

Appropriation:

State Building Construction Account—State . . . . .	<u>(\$2,000,000)</u>
	<u>\$0</u>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	<u>(\$2,000,000)</u>
	<u>\$0</u>

Sec. 6088. 2009 c 497 s 5216 (uncodified) is amended to read as follows:

**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Wenatchee Valley College - Music and Arts Center (30000119)

Appropriation:

State Building Construction Account—State . . . . .	(\$2,000,000)
	<u>\$311,000</u>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	(\$2,000,000)
	<u>\$311,000</u>

**PART 7**  
**BOND AUTHORIZATION**

NEW SECTION. Sec. 7001. For the purpose of providing funds to finance the projects described and authorized by the legislature in the capital and operating appropriations acts for the 2009-2011 and 2011-2013 fiscal bienniums, and all costs incidental thereto, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of one billion one hundred twenty-two million dollars, or as much thereof as may be required, to finance these projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

NEW SECTION. Sec. 7002. (1) The proceeds from the sale of the bonds authorized in section 7001 of this act shall be deposited in the state building construction account created by RCW 43.83.020. The proceeds shall be transferred as follows:

- (a) One billion seven million dollars to remain in the state building construction account created by RCW 43.83.020;
- (b) Twenty million two hundred thousand dollars to the outdoor recreation account created by RCW 79A.25.060;
- (c) Twenty million two hundred thousand dollars to the habitat conservation account created by RCW 79A.15.020;
- (d) Eight hundred thousand dollars to the riparian protection account created by RCW 79A.15.120;
- (e) Eight hundred thousand dollars to the farmlands preservation account created by RCW 79A.15.130;
- (f) Fifty-one million dollars to the state taxable building construction account. All receipts from taxable bond issues are to be deposited into the account. If the state finance committee deems it necessary or advantageous to issue more than the amount specified in this subsection (1)(f) as taxable bonds in order to comply with federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds or in order to reduce the total financing costs for bonds issued, the proceeds of such additional taxable bonds shall be transferred to the state taxable building construction account in lieu of any transfer otherwise provided by this section. If the state finance committee determines that a portion of the amount specified in this subsection (1)(f) as

taxable bonds may be issued as nontaxable bonds in compliance with federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds, then such bond proceeds shall be transferred to the state building construction account in lieu of the transfer to the state taxable building construction account otherwise provided by this subsection (1)(f). The state treasurer shall submit written notice to the director of financial management if it is determined that any such additional transfer to the state taxable building construction account is necessary or that a transfer from the state taxable building construction account to the state building construction account may be made. Moneys in the account may be spent only after appropriation.

(2) These proceeds shall be used exclusively for the purposes specified in this section and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this section, and shall be administered by the office of financial management subject to legislative appropriation.

**NEW SECTION. Sec. 7003.** (1) The debt-limit general fund bond retirement account shall be used for the payment of the principal of and interest on the bonds authorized in section 7002(1) (a) through (f) of this act.

(2) The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements on the bonds authorized in section 7002(1) (a) through (f) of this act.

(3) On each date on which any interest or principal and interest payment is due on bonds issued for the purposes of section 7002(1) (a) through (f) of this act, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the debt-limit general fund bond retirement account an amount equal to the amount certified by the state finance committee to be due on the payment date.

**NEW SECTION. Sec. 7004.** (1) Bonds issued under sections 7001 through 7003 of this act shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

(2) The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

**NEW SECTION. Sec. 7005.** The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in section 7001 of this act, and sections 7002 and 7003 of this act shall not be deemed to provide an exclusive method for the payment.

**NEW SECTION. Sec. 7006.** A new section is added to chapter 43.99I RCW to read as follows:

If any bonds authorized in this chapter have not been issued by June 30, 2013, the authority of the state finance committee to issue such remaining unissued bonds shall expire June 30, 2013.

**NEW SECTION. Sec. 7007.** A new section is added to chapter 43.99N RCW to read as follows:

If any bonds authorized in this chapter have not been issued by June 30, 2013, the authority of the state finance committee to issue such remaining unissued bonds shall expire June 30, 2013.

NEW SECTION. Sec. 7008. A new section is added to chapter 43.99P RCW to read as follows:

If any bonds authorized in this chapter have not been issued by June 30, 2013, the authority of the state finance committee to issue such remaining unissued bonds shall expire June 30, 2013.

Sec. 7009. RCW 43.99Q.130 and 2009 c 500 s 10 are each amended to read as follows:

(1) For the purpose of providing funds for the planning, design, construction, and other necessary costs for the rehabilitation of the state legislative building, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of eighty-two million five hundred ten thousand dollars or as much thereof as may be required to finance the rehabilitation and improvements to the legislative building and all costs incidental thereto. The approved rehabilitation plan includes costs associated with earthquake repairs and future earthquake mitigation and allows for associated relocation costs and the acquisition of appropriate relocation space. Bonds authorized in this section may be sold at a price the state finance committee determines. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds. The proceeds of the sale of the bonds issued for the purposes of this section shall be deposited in the capitol historic district construction account hereby created in the state treasury. These proceeds shall be used exclusively for the purposes specified in this section and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this section, and shall be administered by the office of financial management subject to legislative appropriation.

(2) If any bonds authorized in this chapter have not been issued by June 30, 2013, the authority of the state finance committee to issue such remaining unissued bonds shall expire June 30, 2013.

NEW SECTION. Sec. 7010. A new section is added to chapter 43.99Q RCW to read as follows:

If any bonds authorized pursuant to RCW 43.99Q.020(5) have not been issued by June 30, 2013, the authority of the state finance committee to issue such remaining unissued bonds shall expire June 30, 2013.

NEW SECTION. Sec. 7011. Sections 7001 through 7005 of this act constitute a new chapter in Title 43 RCW.

## PART 8 MISCELLANEOUS PROVISIONS

NEW SECTION. Sec. 8001. (1) Allotments for appropriations in this act shall be provided in accordance with the capital project review requirements adopted by the office of financial management and in compliance with RCW 43.88.110. Projects that will be employing alternative public works construction

procedures under chapter 39.10 RCW are subject to the allotment procedures defined in this section and RCW 43.88.110.

(2) Each project is defined as proposed in the legislative budget notes or in the governor's budget document.

**NEW SECTION. Sec. 8002.** To ensure that major construction projects are carried out in accordance with legislative and executive intent, appropriations in this act in excess of \$5,000,000 shall not be expended or encumbered until the office of financial management has reviewed and approved the agency's predesign. The predesign document shall include but not be limited to program, site, and cost analysis in accordance with the predesign manual adopted by the office of financial management. To improve monitoring of major construction projects, progress reports shall be submitted by the agency administering the project to the office of financial management and to the fiscal committees of the house of representatives and senate. Reports will be submitted on July 1st and December 31st each year in a format to be developed by the office of financial management.

**NEW SECTION. Sec. 8003.** (1) To ensure minor works appropriations are carried out in accordance with legislative intent, funds appropriated in this act shall not be allotted until project lists are on file at the office of financial management, the house of representatives capital budget committee, and the senate ways and means committee. All projects must meet the criteria included in subsection (2)(a) of this section. Revisions to the lists must be filed with the office of financial management, the house of representatives capital budget committee, and the senate ways and means committee and include an explanation of variances from the prior lists before funds may be expended on the revisions.

(2)(a) Minor works projects are single line appropriations that include multiple projects of a similar nature and that are valued between \$25,000 and \$1,000,000 each, with the exception of higher education minor works projects that may be valued up to \$2,000,000. These projects can generally be completed within two years of the appropriation with the funding provided. Agencies are prohibited from including projects on their minor works lists that are a phase of a larger project, and that if combined over a continuous period of time, would exceed \$1,000,000, or \$2,000,000 for higher education minor works projects. Improvements for accessibility in compliance with the Americans with disabilities act may be included in any of the above minor works categories.

(b) Minor works appropriations shall not be used for, among other things: Studies, except for technical or engineering reviews or designs that lead directly to and support a project on the same minor works list; planning; design outside the scope of work on a minor works list; moveable, temporary, and traditionally funded operating equipment not in compliance with the equipment criteria established by the office of financial management; software not dedicated to control of a specialized system; moving expenses; land or facility acquisition; or to supplement funding for projects with funding shortfalls unless expressly authorized elsewhere in this act. The office of financial management may make an exception to the limitations described in this subsection (2)(b) for exigent circumstances after notifying the legislative fiscal committees and waiting ten days for comments by the legislature regarding the proposed exception.

(c) Minor works preservation projects may include program improvements of no more than twenty-five percent of the individual minor works preservation project cost.

(3) It is generally not the intent of the legislature to make future appropriations for capital expenditures or for maintenance and operating expenses for an acquisition project or a significant expansion project that is initiated through the minor works process and therefore does not receive a policy and fiscal analysis by the legislature. Minor works projects are intended to be one-time expenditures that do not require future state resources to complete.

**NEW SECTION. Sec. 8004.** (1) The office of financial management may authorize a transfer of appropriation authority provided for a capital project that is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer may be used to expand the capacity of any facility beyond that intended in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects that are funded from the same fund or account. No transfers may occur between projects to local government agencies except where the grants are provided within a single omnibus appropriation and where such transfers are specifically authorized by the implementing statutes that govern the grants.

(2) The office of financial management may find that an amount is in excess of the amount required for the completion of a project only if: (a) The project as defined in the notes to the budget document is substantially complete and there are funds remaining; or (b) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated in this act.

(3) For the purposes of this section, the intent is that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

(4) The office of financial management shall report any transfer effected under this section to the house of representatives capital budget committee, the senate ways and means committee, and the legislative evaluation and accountability program committee, at least thirty days before the date the transfer is effected. The office of financial management shall report all emergency or smaller transfers within thirty days from the date of transfer. The governor's capital budget request following any transfer shall reflect that transfer in the affected agency.

**NEW SECTION. Sec. 8005.** (1) It is expected that projects be ready to proceed in a timely manner depending on the type or phase of the project or program that is the subject of the appropriation in this act. Except for major projects that customarily may take more than two biennia to complete from predesign to the end of construction, or large infrastructure grant or loan programs supporting projects that often take more than two biennia to complete, the legislature generally does not intend to reappropriate funds more than once,

particularly for smaller grant programs, local/community projects, and minor works.

(2) Agencies shall expedite the expenditure of reappropriations and appropriations in this act in order to: (a) Rehabilitate infrastructure resources; (b) accelerate environmental rehabilitation and restoration projects for the improvement of the state's natural environment; (c) reduce additional costs associated with acquisition and construction inflationary pressures; and (d) provide additional employment opportunities associated with capital expenditures.

(3) To the extent feasible, agencies are directed to accelerate expenditure rates at their current level of permanent employees and shall use contracted design and construction services wherever necessary to meet the goals of this section.

**NEW SECTION. Sec. 8006.** State agencies, including institutions of higher education, shall allot and report full-time equivalent staff for capital projects in a manner comparable to staff reporting for operating expenditures.

**NEW SECTION. Sec. 8007.** Executive Order No. 05-05, archaeological and cultural resources, was issued effective November 10, 2005. Agencies and higher education institutions shall comply with the requirements set forth in this executive order.

**NEW SECTION. Sec. 8008. PUGET SOUND PROTECTION AND RESTORATION**

Consistent with RCW 90.71.340, when expending appropriations under this act that contribute to Puget Sound protection and recovery, agencies shall consult with the Puget Sound partnership to ensure that projects and expenditures are either in, or consistent with the 2020 action agenda. These consultations shall include the exchange of information on specific actions, projects, associated funding, performance measures, and other information necessary to track project implementation and ensure alignment with the action agenda. In situations where the Puget Sound partnership finds that a project is not in, or is not consistent with the action agenda Puget Sound partnership shall document this finding and report back to the governor and legislative fiscal committees.

**NEW SECTION. Sec. 8009. FOR THE ARTS COMMISSION—ART WORK ALLOWANCE POOLING**

(1) One-half of one percent of moneys appropriated in this act for original construction of school plant facilities may be expended for the purposes of RCW 28A.335.210. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the superintendent of public instruction and representatives of school district boards.

(2) One-half of one percent of moneys appropriated in this act for original construction or any major renovation or remodel work exceeding two hundred thousand dollars by colleges or universities may be expended for the purposes of RCW 28B.10.027. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the board of regents or trustees.



(3) One-half of one percent of moneys appropriated in this act for original construction of any public building by a state agency as defined in RCW 43.17.020 may be expended for the purposes of RCW 43.17.200. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the state agency.

(4) At least eighty-five percent of the moneys spent by the Washington state arts commission during the 2011-2013 biennium for the purposes of RCW 28A.335.210, 28B.10.027, and 43.17.200 must be expended solely for direct acquisition of works of art. The commission may use up to \$100,000 of this amount to conserve or maintain existing pieces in the state art collection pursuant to chapter 36, Laws of 2005.

**NEW SECTION. Sec. 8010.** To carry out the provisions of this act, the governor may assign responsibility for predesign, design, construction, and other related activities to any appropriate agency.

**NEW SECTION. Sec. 8011.** (1) Unless otherwise stated, for all appropriations under this act that require a match of nonstate money or in-kind contributions, the following requirement, consistent with RCW 43.88.150, shall apply: Expenditures of state money shall be timed so that the state share of project expenditures never exceeds the intended state share of total project costs.

(2) Provision of the full amount of required matching funds is not required to permit the expenditure of capital budget appropriations for phased projects if a proportional amount of the required matching funds is provided for each distinct, identifiable phase of the project.

**NEW SECTION. Sec. 8012. SALARY ADJUSTMENT**

The appropriations in this act shall be expended solely for the purposes designated in this act and are subject to the following conditions and limitations:

(1) Appropriations in this act are provided solely for a 3.0 percent salary reduction effective July 1, 2011, through June 29, 2013, for all employees of the executive, legislative, and judicial branches, including those employees in the Washington management service, and including employees exempt from merit system rules, except for:

(a) Elected officials whose salaries are set by the commission on salaries for elected officials;

(b) Student employees at state institutions of higher education;

(c) Faculty employees at state institutions of higher education: PROVIDED, HOWEVER, That appropriations to higher education institutions are reduced in an amount reflecting a 3.0 percent reduction in faculty salary expenditures;

(d) Certificated employees of the state school for the blind and the center for childhood deafness and hearing loss;

(e) Commissioned officers of the Washington state patrol represented by the state patrol troopers' association and the Washington state patrol lieutenants' association;

(f) Represented ferry workers of the Washington state department of transportation, provided, however, that other reductions are included in section 504 of the 2011-2013 transportation appropriations act;

(g) Employees whose salary is less than \$2,500 per month; and

(h) Employees as specified in subsection (2) of this section.

(2) For employees subject to the 3.0 percent reduction in salary under subsection (1) of this section employees will receive temporary salary reduction leave of up to 5.2 hours per month. The director of personnel shall adopt rules governing the accrual and use of temporary salary reduction leave.

(3) The department of retirement systems shall include any forgone salary or lost work hours under subsections (1) and (3) of this section in the final average compensation of employees affected for purposes of calculating retirement benefits, as specified in executive request legislation Z-0211.1/11.

(4) The appropriation from dedicated funds and accounts shall be made in the amounts specified and from the dedicated funds and accounts specified in office of financial management document 2011-01, which is hereby incorporated by reference. The office of financial management shall allocate the moneys appropriated in this section in the amounts specified and to the state agencies specified in office of financial management document 2011-01 and adjust appropriation schedules accordingly.

**NEW SECTION. Sec. 8013.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 8014.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

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**CHAPTER 50**

[Second Engrossed Substitute House Bill 1087]

2011-2013 OPERATING BUDGET

AN ACT Relating to fiscal matters; amending RCW 15.76.115, 19.30.030, 28B.15.068, 28B.116.050, 28C.04.535, 36.22.175, 40.14.025, 40.14.027, 41.06.022, 41.50.110, 41.60.050, 41.80.010, 41.80.020, 43.07.129, 43.08.190, 43.09.475, 43.19.501, 43.20A.725, 43.79.201, 43.79.465, 43.88.150, 43.101.200, 43.135.045, 43.185.050, 43.185C.190, 43.336.020, 46.66.080, 66.08.170, 66.08.190, 66.08.235, 67.70.260, 70.93.180, 70.105D.070, 74.13.621, 79.64.040, 79.105.150, 80.36.430, 82.08.160, 82.14.310, 82.14.320, 82.14.330, 82.14.390, 82.14.500, 82.45.060, 86.26.007, and 90.71.370; reenacting and amending RCW 41.06.070, 43.79.480, 43.155.050, 43.185A.030, and 43.330.250; amending 2011 c 5 ss 106, 107, 108, 113, 114, 115, 117, 118, 119, 120, 121, 122, 125, 126, 127, 128, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 301, 302, 303, 304, 305, 306, 307, 401, 402, 501, 502, 503, 504, 505, 507, 508, 607, 608, 609, 612, 613, 614, 615, 616, 617, 703, and 801 (uncodified); amending 2010 2nd sp.s. c 1 ss 101, 102, 106, 107, 108, 116, 305, and 306 (uncodified); amending 2010 1st sp.s. c 37 ss 201, 504, 509, 510, 514, 515, 516, 517, 612, 701, 702, 703, 709, 710, and 801 (uncodified); amending 2009 c 564 ss 719, 802, and 803 (uncodified); adding new sections to 2009 c 564 (uncodified); adding new sections to 2011 c 367 (uncodified); creating new sections; repealing 2010 1st sp.s. c 37 s 802 (uncodified); making appropriations; providing an effective date; providing an expiration date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION. Sec. 1.** (1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in parts I through IX of this act, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 2011, and ending June 30, 2013, except as otherwise provided, out of the several funds of the state hereinafter named.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(a) "Fiscal year 2012" or "FY 2012" means the fiscal year ending June 30, 2012.

(b) "Fiscal year 2013" or "FY 2013" means the fiscal year ending June 30, 2013.

(c) "FTE" means full time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is not expended subject to the specified conditions and limitations to fulfill the specified purpose shall lapse.

**PART I  
GENERAL GOVERNMENT**

**NEW SECTION. Sec. 101. FOR THE HOUSE OF REPRESENTATIVES**

General Fund—State Appropriation (FY 2012) . . . . .	\$29,923,000
General Fund—State Appropriation (FY 2013) . . . . .	\$30,444,000
Motor Vehicle Account—State Appropriation . . . . .	\$1,316,000
TOTAL APPROPRIATION . . . . .	\$61,683,000

**NEW SECTION. Sec. 102. FOR THE SENATE**

General Fund—State Appropriation (FY 2012) . . . . .	\$21,772,000
General Fund—State Appropriation (FY 2013) . . . . .	\$23,868,000
Motor Vehicle Account—State Appropriation . . . . .	\$1,400,000
TOTAL APPROPRIATION . . . . .	\$47,040,000

**NEW SECTION. Sec. 103. FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE**

General Fund—State Appropriation (FY 2012) . . . . .	\$2,680,000
General Fund—State Appropriation (FY 2013) . . . . .	\$2,741,000
Medical Aid Account—State Appropriation . . . . .	\$85,000
Accident Account—State Appropriation . . . . .	\$85,000
TOTAL APPROPRIATION . . . . .	\$5,591,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Notwithstanding the provisions of this section, the joint legislative audit and review committee may adjust the due dates for projects included on the committee's 2011-13 work plan as necessary to efficiently manage workload.

(2) Within the amounts appropriated in this section, the committee shall conduct a review of the state's workplace safety and health program. The review shall examine workplace safety inspection, enforcement, training, and outreach efforts compared to other states and federal programs; analyze workplace injury and illness rates and trends in Washington; identify factors that may influence workplace safety and health; and identify practices that may improve workplace safety and health and/or impact insurance rates.

(3) Within the amounts appropriated in this section, the committee shall conduct a review of marketing and vendor expenditures and incentive payment programs at the state lottery commission to identify cost savings and efficiencies to maximize contributions to beneficiaries under this act. This review shall include examination of the following:

(a) An analysis of marketing expenses and the impact on ticket sales; the impact to sales of tickets from the change in lottery beneficiaries; the

competitive contracting processes for marketing services and vendors and comparison to other states; identification of whether there are duplicative or unproductive marketing activities; and identification of whether savings may occur from changing vendors.

(b) A description of how the employee incentive payment program at the state lottery commission operates, and comparison to best practices for outcome-based performance payments.

(4) \$85,000 of the medical aid account—state appropriation and \$85,000 of the accident account—state appropriation are provided solely for the purposes of House Bill No. 2123 (workers' compensation). If the bill is not enacted by June 30, 2011, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 104. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE**

General Fund—State Appropriation (FY 2012) . . . . .	\$2,027,000
General Fund—State Appropriation (FY 2013) . . . . .	\$2,193,000
TOTAL APPROPRIATION . . . . .	\$4,220,000

**NEW SECTION. Sec. 105. FOR THE OFFICE OF THE STATE ACTUARY**

General Fund—State Appropriation (FY 2012) . . . . .	\$24,000
General Fund—State Appropriation (FY 2013) . . . . .	\$24,000
Department of Retirement Systems Expense	
Account—State Appropriation . . . . .	\$3,344,000
TOTAL APPROPRIATION . . . . .	\$3,392,000

The appropriations in this section are subject to the following conditions and limitations: \$75,000 of the department of retirement services account—state appropriation is for the state actuary to study the issue of merging the law enforcement officers' and fire fighters' retirement system plans 1 and 2 into a single retirement plan. The department of retirement systems shall assist the state actuary by providing such information and advice as the state actuary requests, and the state actuary may contract for services as needed to conduct the study. The results of the study shall be reported to the ways and means committees of the house of representatives and the senate by December 15, 2011.

(1) Among the issues related to the merger of the law enforcement officers' and fire fighters' retirement system plans 1 and 2 into a single retirement plan that shall be examined:

(a) Changes to the assets available to pay for the benefits of each plan before and after a merger based on a range of possible economic and demographic experience; and

(b) Changes to the projected contributions that might be required of members, employers, and the state based on a range of possible economic and demographic experience and a variety of funding policies, including both continued application of current funding policy to the benefit obligations of each plan, and application of the law enforcement officers' and fire fighters' retirement system plan 2 funding policies to the combined benefits of both plans;

(2) The state actuary shall solicit the input of the law enforcement officers' and fire fighters' retirement system plan 2 retirement board and organizations representing members and retirees of the law enforcement officers' and fire

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fighters' retirement system plan 1 on the issue of the merger of the two plans, and include representative submissions of the input of the organizations along with the report.

**NEW SECTION. Sec. 106. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE**

General Fund—State Appropriation (FY 2012) . . . . .	\$8,016,000
General Fund—State Appropriation (FY 2013) . . . . .	\$7,911,000
TOTAL APPROPRIATION . . . . .	\$15,927,000

**NEW SECTION. Sec. 107. FOR THE STATUTE LAW COMMITTEE**

General Fund—State Appropriation (FY 2012) . . . . .	\$4,249,000
General Fund—State Appropriation (FY 2013) . . . . .	\$4,691,000
TOTAL APPROPRIATION . . . . .	\$8,940,000

**NEW SECTION. Sec. 108. FOR THE REDISTRICTING COMMISSION**

General Fund—State Appropriation (FY 2012) . . . . .	\$1,627,000
General Fund—State Appropriation (FY 2013) . . . . .	\$154,000
TOTAL APPROPRIATION . . . . .	\$1,781,000

The appropriations in this section are subject to the following conditions and limitations: \$443,000 of the general fund--state appropriation for fiscal year 2012 is provided solely for the support of legislative redistricting efforts. The commission shall enter into an interagency agreement with the house of representatives and the senate for the expenditure of these funds.

**NEW SECTION. Sec. 109. FOR THE SUPREME COURT**

General Fund—State Appropriation (FY 2012) . . . . .	\$6,714,000
General Fund—State Appropriation (FY 2013) . . . . .	\$6,729,000
TOTAL APPROPRIATION . . . . .	\$13,443,000

**NEW SECTION. Sec. 110. FOR THE LAW LIBRARY**

General Fund—State Appropriation (FY 2012) . . . . .	\$1,472,000
General Fund—State Appropriation (FY 2013) . . . . .	\$1,466,000
TOTAL APPROPRIATION . . . . .	\$2,938,000

**NEW SECTION. Sec. 111. FOR THE COURT OF APPEALS**

General Fund—State Appropriation (FY 2012) . . . . .	\$15,227,000
General Fund—State Appropriation (FY 2013) . . . . .	\$15,280,000
TOTAL APPROPRIATION . . . . .	\$30,507,000

**NEW SECTION. Sec. 112. FOR THE COMMISSION ON JUDICIAL CONDUCT**

General Fund—State Appropriation (FY 2012) . . . . .	\$1,057,000
General Fund—State Appropriation (FY 2013) . . . . .	\$991,000
TOTAL APPROPRIATION . . . . .	\$2,048,000

**NEW SECTION. Sec. 113. FOR THE ADMINISTRATOR FOR THE COURTS**

General Fund—State Appropriation (FY 2012) . . . . .	\$50,619,000
General Fund—State Appropriation (FY 2013) . . . . .	\$50,174,000
General Fund—Federal Appropriation . . . . .	\$1,551,000
General Fund—Private/Local Appropriation . . . . .	\$248,000

Judicial Information Systems Account—State	
Appropriation . . . . .	\$42,383,000
Judicial Stabilization Trust Account—State	
Appropriation . . . . .	\$5,414,000
TOTAL APPROPRIATION . . . . .	\$150,389,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,800,000 of the general fund—state appropriation for fiscal year 2012 and \$1,800,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for school districts for petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. The office of the administrator for the courts shall develop an interagency agreement with the superintendent of public instruction to allocate the funding provided in this subsection. Allocation of this money to school districts shall be based on the number of petitions filed. This funding includes amounts school districts may expend on the cost of serving petitions filed under RCW 28A.225.030 by certified mail or by personal service or for the performance of service of process for any hearing associated with RCW 28A.225.030.

(2)(a) \$8,252,000 of the general fund—state appropriation for fiscal year 2012 and \$8,253,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(b) Each fiscal year during the 2011-2013 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than 45 days after the end of the fiscal year. The administrator for the courts shall electronically transmit this information to the chairs and ranking minority members of the house of representatives and senate ways and means committees no later than 60 days after a fiscal year ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(3) The distributions made under this subsection and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(4) \$265,000 of the general fund—state appropriation for fiscal year 2012 is provided solely for the office of public guardianship to provide guardianship services for low-income incapacitated persons.

(5) \$1,178,000 of the judicial information systems account—state appropriation is provided solely for replacing computer equipment at state courts and state judicial agencies.

(6) No later than September 30, 2011, the judicial information systems committee shall provide a report to the legislature on the recommendations of

the case management feasibility study, including plans for a replacement of the superior court management information system (SCOMIS) and plans for completing the data exchange core system component consistent with a complete data exchange standard. No later than December 31, 2011, the judicial information systems committee shall provide a report to the legislature on the status of the data exchange, the procurement process for a SCOMIS replacement, and a case management system that is designed to meet the requirements approved by the superior courts and county clerks of all thirty-nine counties. The legislature shall solicit input on both reports from judicial, legislative, and executive stakeholders.

(7) In order to gather better data on juveniles in the criminal justice system, the administrative office of the courts shall modify the judgment and sentence form for juvenile and adult sentences to include one or more check boxes indicating whether (a) the adult superior court had original jurisdiction for a defendant who was younger than eighteen years of age at the time the case was filed; (b) the case was originally filed in juvenile court but transferred to adult superior court jurisdiction; or (c) the case was originally filed in adult superior court or transferred to adult superior court but then returned to the juvenile court.

**NEW SECTION. Sec. 114. FOR THE OFFICE OF PUBLIC DEFENSE**

General Fund—State Appropriation (FY 2012) . . . . .	\$25,027,000
General Fund—State Appropriation (FY 2013) . . . . .	\$24,966,000
Judicial Stabilization Trust Account—State	
Appropriation . . . . .	\$2,490,000
TOTAL APPROPRIATION . . . . .	\$52,483,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The amounts provided include funding for expert and investigative services in death penalty personal restraint petitions.

(2) By December 1, 2011, the office of public defense shall submit to the appropriate policy and fiscal committees of the legislature a proposal for office of public defense to assume the effective and efficient administration of defense services for indigent persons throughout the state who are involved in proceedings under chapter 71.09 RCW. In developing its proposal, the office of public defense should consult with interested stakeholders, including the King county public defender, the Washington defender association, the Washington association of criminal defense lawyers, the administrative office of the courts, the superior court judges association, the office of the attorney general, the King county prosecuting attorney, the Washington association of counties, and the department of social and health services. At a minimum, the proposal should identify:

(a) Procedures to control costs and require accountability, consistent with the state's obligation to ensure the right to counsel under both the United States Constitution and the Washington Constitution;

(b) Appropriate practice standards for trial-level defense of indigent persons involved in proceedings under chapter 71.09 RCW, an estimated number of attorneys statewide who are qualified to provide such representation, and reasonable compensation for such defense services;



- (c) The total budget necessary to implement the proposal statewide for fiscal year 2013, including administrative support; and
- (d) Possible savings to the state and counties that might result from implementing the proposal.

**NEW SECTION. Sec. 115. FOR THE OFFICE OF CIVIL LEGAL AID**

General Fund—State Appropriation (FY 2012) . . . . .	\$11,038,000
General Fund—State Appropriation (FY 2013) . . . . .	\$11,048,000
Judicial Stabilization Trust Account—State Appropriation . . . . .	\$1,093,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$23,179,000</b>

The appropriations in this section are subject to the following conditions and limitations: An amount not to exceed \$40,000 of the general fund—state appropriation for fiscal year 2012 and an amount not to exceed \$40,000 of the general fund—state appropriation for fiscal year 2013 may be used to provide telephonic legal advice and assistance to otherwise eligible persons who are sixty years of age or older on matters authorized by RCW 2.53.030(2) (a) through (k) regardless of household income or asset level.

**NEW SECTION. Sec. 116. FOR THE OFFICE OF THE GOVERNOR**

General Fund—State Appropriation (FY 2012) . . . . .	\$5,312,000
General Fund—State Appropriation (FY 2013) . . . . .	\$5,293,000
Economic Development Strategic Reserve Account—State Appropriation . . . . .	\$1,500,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$12,105,000</b>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$1,500,000 of the economic development strategic reserve account appropriation is provided solely for efforts to assist with currently active industrial recruitment efforts that will bring new jobs to the state or will retain headquarter locations of major companies currently housed in the state.
- (2) \$547,000 of the general fund—state appropriation for fiscal year 2012 and \$547,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for the office of the education ombudsman.

**NEW SECTION. Sec. 117. FOR THE LIEUTENANT GOVERNOR**

General Fund—State Appropriation (FY 2012) . . . . .	\$687,000
General Fund—State Appropriation (FY 2013) . . . . .	\$698,000
General Fund—Private/Local Appropriation . . . . .	\$90,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$1,475,000</b>

**NEW SECTION. Sec. 118. FOR THE PUBLIC DISCLOSURE COMMISSION**

General Fund—State Appropriation (FY 2012) . . . . .	\$2,107,000
General Fund—State Appropriation (FY 2013) . . . . .	\$2,130,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$4,237,000</b>

The appropriations in this section are subject to the following conditions and limitations: \$43,000 of the general fund—state appropriation for fiscal year 2012 and \$82,000 of the general fund—state appropriation for fiscal year 2013

are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5021 (election campaign disclosure).

**NEW SECTION. Sec. 119. FOR THE SECRETARY OF STATE**

General Fund—State Appropriation (FY 2012) . . . . .	\$16,710,000
General Fund—State Appropriation (FY 2013) . . . . .	\$14,135,000
General Fund—Federal Appropriation . . . . .	\$7,338,000
Public Records Efficiency, Preservation, and Access	
Account—State Appropriation . . . . .	\$7,943,000
Charitable Organization Education Account—State	
Appropriation . . . . .	\$452,000
Local Government Archives Account—State	
Appropriation . . . . .	\$10,556,000
Election Account—Federal Appropriation . . . . .	\$17,288,000
Washington State Heritage Center Account—State	
Appropriation . . . . .	\$1,028,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$75,450,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,101,000 of the general fund—state appropriation for fiscal year 2012 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.

(2)(a) \$1,997,000 of the general fund—state appropriation for fiscal year 2012 and \$2,076,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2011-2013 biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a contract with the nonprofit organization to provide public affairs coverage.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the

adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(3) Any reductions to funding for the Washington talking book and Braille library may not exceed in proportion any reductions taken to the funding for the library as a whole.

**NEW SECTION. Sec. 120. FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS**

General Fund—State Appropriation (FY 2012) . . . . .	\$259,000
General Fund—State Appropriation (FY 2013) . . . . .	\$267,000
TOTAL APPROPRIATION . . . . .	\$526,000

The appropriations in this section are subject to the following conditions and limitations: The office shall assist the department of enterprise services on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department of enterprise services shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

**NEW SECTION. Sec. 121. FOR THE COMMISSION ON ASIAN PACIFIC AMERICAN AFFAIRS**

General Fund—State Appropriation (FY 2012) . . . . .	\$232,000
General Fund—State Appropriation (FY 2013) . . . . .	\$219,000
TOTAL APPROPRIATION . . . . .	\$451,000

**NEW SECTION. Sec. 122. FOR THE STATE TREASURER**

State Treasurer's Service Account—State	
Appropriation. . . . .	\$14,996,000

**\*NEW SECTION. Sec. 123. FOR THE STATE AUDITOR**

State Auditing Services Revolving Account—State	
Appropriation. . . . .	\$10,293,000
Performance Audit of Government Account—State	
Appropriation. . . . .	\$1,685,000
TOTAL APPROPRIATION . . . . .	\$11,978,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Audits of school districts by the division of municipal corporations shall include findings regarding the accuracy of: (a) Student enrollment data; and (b) the experience and education of the district's certified instructional staff, as reported to the superintendent of public instruction for allocation of state funding.

(2) \$1,461,000 of the performance audits of government account appropriation is provided solely for staff and related costs to verify the accuracy of reported school district data submitted for state funding purposes; conduct school district program audits of state funded public school programs; establish

the specific amount of state funding adjustments whenever audit exceptions occur and the amount is not firmly established in the course of regular public school audits; and to assist the state special education safety net committee when requested.

(3) Within the amounts appropriated in this section, the state auditor shall continue to complete the annual audit of the state's comprehensive annual financial report and the annual federal single audit consistent with the auditing standards generally accepted in the United States and the standards applicable to financial audits contained in government auditing standards, issued by the comptroller general of the United States, and OMB circular A-133, audits of states, local governments, and nonprofit organizations.

*(4) \$224,000 of performance audits of state government account appropriation is provided solely for the fraud ombudsman to review and audit the fraud investigative work of the division of fraud investigations of the department of social and health services.*

\*Sec. 123 was partially vetoed. See message at end of chapter.

**NEW SECTION. Sec. 124. FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS**

General Fund—State Appropriation (FY 2012) . . . . .	\$158,000
General Fund—State Appropriation (FY 2013) . . . . .	\$195,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$353,000</b>

**\*NEW SECTION. Sec. 125. FOR THE ATTORNEY GENERAL**

General Fund—State Appropriation (FY 2012) . . . . .	\$4,028,000
General Fund—State Appropriation (FY 2013) . . . . .	\$3,997,000
General Fund—Federal Appropriation . . . . .	\$8,819,000
New Motor Vehicle Arbitration Account—State Appropriation . . . . .	\$972,000
Legal Services Revolving Account—State Appropriation . . . . .	\$206,635,000
Tobacco Prevention and Control Account—State Appropriation . . . . .	\$270,000
<b>Medicaid Fraud Penalty Account—State Appropriation . . . . .</b>	<b>\$2,825,000</b>
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$227,546,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year. As part of its by agency report to the legislative fiscal committees and the office of financial management, the office of the attorney general shall include information detailing the agency's expenditures for its agency-wide overhead and a breakdown by division of division administration expenses.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on ways and means.

(3) The attorney general shall annually report to the fiscal committees of the legislature all new *cy pres* awards and settlements and all new accounts, disclosing their intended uses, balances, the nature of the claim or account, proposals, and intended timeframes for the expenditure of each amount. The report shall be distributed electronically and posted on the attorney general's web site. The report shall not be printed on paper or distributed physically.

(4) The attorney general shall enter into an interagency agreement with the department of social and health services for expenditure of the state's proceeds from the *cy pres* settlement in *State of Washington v. AstraZeneca* (Seroquel) for the purposes set forth in sections 204 and 213 of this act.

(5) \$62,000 of the legal services revolving fund—state appropriation is provided solely to implement House Bill No. 1770 (state purchasing). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(6) \$5,924,000 of the legal services revolving account—state appropriation is provided solely to implement House Bill No. 2123 (workers' compensation). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(7) The office of the attorney general is authorized to expend \$2,100,000 from the *Zyprexa* and other *cy pres* awards towards consumer protection costs in accordance with uses authorized in the court orders.

(8) \$96,000 of the legal services revolving fund—state appropriation is provided solely to implement Senate Bill No. 5076 (financial institutions). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(9) \$99,000 of the legal services revolving fund—state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 5769 (coal-fired generation). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(10) \$416,000 of the legal services revolving fund—state appropriation is provided solely to implement Substitute Senate Bill No. 5801 (industrial insurance system). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(11) \$31,000 of the legal services revolving fund—state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5021 (election campaign disclosure). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(12) The executive ethics board shall: (a) Develop a statewide plan, with performance measures, to provide overall direction and accountability in all executive branch agencies and statewide elected offices; (b) coordinate and work with the commission on judicial conduct and the legislative ethics board; (c) assess and evaluate each agency's ethical culture through employee and stakeholder surveys, review Washington state quality award feedback reports, and publish an annual report on the results to the public; and (d) solicit outside evaluations, studies, and recommendations for improvements from academics, nonprofit organizations, the public disclosure commission, or other entities with expertise in ethics, integrity, and the public sector.

\*Sec. 125 was partially vetoed. See message at end of chapter.

**NEW SECTION. Sec. 126. FOR THE CASELOAD FORECAST COUNCIL**

General Fund—State Appropriation (FY 2012) . . . . .	\$1,308,000
General Fund—State Appropriation (FY 2013) . . . . .	\$1,305,000
TOTAL APPROPRIATION . . . . .	\$2,613,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section include funding for activities transferred from the sentencing guidelines commission to the caseload forecast council pursuant to Engrossed Substitute Senate Bill No. 5891 (criminal justice cost savings). Prior to the effective date of Engrossed Substitute Senate Bill No. 5891, the appropriations in this section may be expended for the continued operations and expenses of the sentencing guidelines commission pursuant to the expenditure authority schedule produced by the office of financial management in accordance with chapter 43.88 RCW.

(2) \$57,000 of the general fund—state appropriation for fiscal year 2012 and \$57,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for the implementation of Senate Bill No. 5304 (college bound scholarship).

**\*NEW SECTION. Sec. 127. FOR THE DEPARTMENT OF COMMERCE**

General Fund—State Appropriation (FY 2012) . . . . .	\$57,271,000
General Fund—State Appropriation (FY 2013) . . . . .	\$72,479,000
General Fund—Federal Appropriation . . . . .	\$282,218,000
General Fund—Private/Local Appropriation . . . . .	\$4,998,000
Public Works Assistance Account—State Appropriation . . . . .	\$2,767,000
Drinking Water Assistance Administrative Account—State Appropriation . . . . .	\$437,000
Lead Paint Account—State Appropriation . . . . .	\$65,000
Building Code Council Account—State Appropriation . . . . .	\$13,000
Home Security Fund Account—State Appropriation . . . . .	\$16,655,000
Affordable Housing for All Account—State Appropriation . . . . .	\$11,902,000
County Research Services Account—State Appropriation . . . . .	\$1,081,000
Financial Fraud and Identity Theft Crimes Investigation and Prosecution Account—State Appropriation . . . . .	\$1,166,000
Low-Income Weatherization Assistance Account—State Appropriation . . . . .	\$5,778,000
City and Town Research Services Account—State Appropriation . . . . .	\$5,166,000
Manufacturing Innovation and Modernization Account—State Appropriation . . . . .	\$61,000
Community and Economic Development Fee Account—State Appropriation . . . . .	\$6,488,000
Washington Housing Trust Account—State Appropriation . . . . .	\$17,503,000

Prostitution Prevention and Intervention Account—	
State Appropriation . . . . .	\$94,000
Public Facility Construction Loan Revolving	
Account—State Appropriation . . . . .	\$755,000
Washington Community Technology Opportunity Account—	
State Appropriation . . . . .	\$713,000
TOTAL APPROPRIATION . . . . .	\$487,610,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Repayments of outstanding mortgage and rental assistance program loans administered by the department under RCW 43.63A.640 shall be remitted to the department, including any current revolving account balances. The department shall collect payments on outstanding loans, and deposit them into the state general fund. Repayments of funds owed under the program shall be remitted to the department according to the terms included in the original loan agreements.

(2) \$500,000 of the general fund—state appropriation for fiscal year 2012 and \$500,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for a grant to resolution Washington to building statewide capacity for alternative dispute resolution centers and dispute resolution programs that guarantee that citizens have access to low-cost resolution as an alternative to litigation.

(3) \$306,000 of the general fund—state appropriation for fiscal year 2012 and \$306,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for a grant to the retired senior volunteer program.

(4) The department shall administer its growth management act technical assistance so that smaller cities receive proportionately more assistance than larger cities or counties.

(5) \$1,800,000 of the home security fund—state appropriation is provided for transitional housing assistance or partial payments for rental assistance under the independent youth housing program.

(6) \$5,000,000 of the home security fund—state appropriation is for the operation, repair, and staffing of shelters in the homeless family shelter program.

(7) \$198,000 of the general fund—state appropriation for fiscal year 2012 and \$198,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for the Washington new Americans program.

(8) \$2,949,000 of the general fund—state appropriation for fiscal year 2012 and \$2,949,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for associate development organizations.

(9) \$127,000 of the general fund—federal appropriation is provided solely for implementation of Substitute House Bill No. 1886 (Ruckelshaus center process). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(10) Up to \$200,000 of the general fund—private/local appropriation is for a grant to the Washington tourism alliance for the maintenance of the Washington state tourism web site [www.experiencewa.com](http://www.experiencewa.com) and its related sub-sites. The department may transfer ownership of the web site and other tourism promotion assets and assign obligations to the Washington tourism alliance for purposes of

tourism promotion throughout the state. The alliance may use the assets only in a manner consistent with the purposes for which they were created. Any revenue generated from these assets must be used by the alliance for the sole purposes of statewide Washington tourism promotion. The legislature finds that the Washington tourism alliance, a not-for-profit, 501.c.6 organization established, funded, and governed by Washington tourism industry stakeholders to sustain destination tourism marketing across Washington, is an appropriate body to receive funding and assets from and assume obligations of the department for the purposes described in this section.

***(11) The public works assistance account appropriation reflects savings required by Substitute Senate Bill No. 5844 (local government infrastructure), which requires the department to reduce expenditures from the public works assistance account for central agency administration for the 2011-2013 biennium.***

(12) Within the appropriations in this section, specific funding is provided to implement Substitute Senate Bill No. 5741 (economic development commission).

(13) \$2,000,000 of the community and economic development fee account appropriation is provided solely for the department of commerce for services to homeless families through the Washington families fund.

(14) \$260,000 of the general fund—state appropriation for fiscal year 2012 and \$259,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for the Washington asset building coalitions.

(15) \$1,859,000 of the general fund—state appropriation for fiscal year 2012 and \$1,859,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for innovative research teams, also known as entrepreneurial STARS, at higher education research institutions, and for entrepreneurs-in-residence programs at higher education research institutions and entrepreneurial assistance organizations. Of these amounts no more than \$50,000 in fiscal year 2012 and no more than \$50,000 in fiscal year 2013 may be provided for the operation of entrepreneurs-in-residence programs at entrepreneurial assistance organizations external to higher education research institutions.

(16) Up to \$700,000 of the general fund—private/local appropriation is for pass-through grants to cities in central Puget Sound to plan for transfer of development rights receiving areas under the central Puget Sound regional transfer of development rights program.

(17) \$16,000 of the general fund—state appropriation for fiscal year 2012 is provided solely to implement section 503 of Substitute House Bill No. 1277 (licensed settings for vulnerable adults). The long-term care ombudsman shall convene an adult family home quality assurance panel to review problems concerning the quality of care for residents in adult family homes. If Substitute House Bill No. 1277 (licensed settings for vulnerable adults) is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(18) \$24,605,000 of the general fund—state appropriation for fiscal year 2012 and \$39,527,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for establishment of the essential needs and housing support program created in Engrossed Substitute House Bill No. 2082 (essential needs and assistance program). The department of commerce shall contract for



these services with counties or community-based organizations involved in providing essential needs and housing supports to low-income persons who meet eligibility pursuant to Engrossed Substitute House Bill No. 2082. The department shall limit the funding used for administration of the program to no more than five percent. Counties and community providers shall limit the funding used for administration of the program to no more than seven percent.

(a) Of the amounts provided in this subsection, \$4,000,000 is provided solely for essential needs to clients who meet the eligibility established in Engrossed Substitute House Bill No. 2082. Counties and community-based organizations shall distribute basic essential products in a manner that prevents abuse. To the greatest extent possible, the counties or community-based organizations shall leverage local or private funds, and volunteer support to acquire and distribute the basic essential products.

(b) Of the amounts provided in this subsection, \$30,000,000 is provided solely for housing support services to individuals who are homeless and eligible for services under this program pursuant to Engrossed Substitute House Bill No. 2082.

(c) Of the amounts provided in this subsection, \$30,000,000 is provided solely as a contingency fund to provide housing support services for individuals who may become homeless and are otherwise eligible for this program pursuant to Engrossed Substitute House Bill No. 2082.

\*Sec. 127 was partially vetoed. See message at end of chapter.

**NEW SECTION. Sec. 128. FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL**

General Fund—State Appropriation (FY 2012) . . . . .	\$674,000
General Fund—State Appropriation (FY 2013) . . . . .	\$728,000
Lottery Administrative Account—State Appropriation . . . . .	\$50,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$1,452,000</b>

**\*NEW SECTION. Sec. 129. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

General Fund—State Appropriation (FY 2012) . . . . .	\$18,688,000
General Fund—State Appropriation (FY 2013) . . . . .	\$18,547,000
General Fund—Federal Appropriation . . . . .	\$31,534,000
General Fund—Private/Local Appropriation . . . . .	\$1,270,000
Performance Audits of Government Account—	
State Appropriation . . . . .	\$25,000
Economic Development Strategic Reserve Account—	
State Appropriation . . . . .	\$280,000
Department of Personnel Services—State Appropriation . . . . .	\$9,111,000
Data Processing Revolving Account—State	
Appropriation . . . . .	\$5,208,000
Higher Education Personnel Services Account—State	
Appropriation . . . . .	\$1,581,000
Aquatic Lands Enhancement Account—State Appropriation . . . . .	\$100,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$86,344,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,210,000 of the general fund—state appropriation for fiscal year 2012 and \$1,210,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for implementation of House Bill No. 1178 (regulatory assistance office). If the bill is not enacted by June 30, 2011, the amounts provided in this subsection shall lapse.

(2) \$150,000 of the general fund—state appropriation for fiscal year 2012 is provided solely for the office of financial management to contract with an independent consultant to evaluate and recommend the most cost-effective provision of services required to support the department of social and health services special commitment center on McNeil Island. The evaluation shall include island operation services that include, but are not limited to: (a) Marine transport of passengers and goods; (b) wastewater treatment; (c) fire protection and suppression; (d) electrical supply; (e) water supply; and (f) road maintenance.

The office of financial management shall solicit the input of Pierce county, the department of corrections, and the department of social and health services in developing the request for proposal, evaluating applications, and directing the evaluation. The consultant shall report to the governor and legislature by November 15, 2011.

(3) \$100,000 of the aquatic lands enhancement account—state appropriation is provided solely for the office of financial management to prepare a report to be used to initiate a comprehensive, long-range planning process for the future of McNeil Island during the 2013-2015 fiscal biennium.

(a) The report on the initiation of the process must document:

(i) Ownership issues, including consultation with the federal government about its current legal requirements associated with the island;

(ii) Federal and state decision-making processes to change use or ownership;

(iii) Tribal treaty interests;

(iv) Fish and wildlife species and their habitats;

(v) Land use and public safety needs;

(vi) Recreational opportunities for the general public;

(vii) Historic and archaeological resources; and

(viii) Revenue from and necessary to support potential future uses of the island.

(b) The report shall develop and recommend a comprehensive, long-range planning process for the future of the island and associated aquatic resources, addressing the items in (a) of this subsection.

(c) The office of financial management may use its own staff and other public agency and tribal staff or contract for services, and may create a work group of knowledgeable agencies, organizations, and individuals to assist in preparing the report.

(d) The office of financial management shall engage in broad consultation with interested parties, including, but not limited to:

(i) Federal agencies with relevant responsibilities;

(ii) Tribal governments;

(iii) State agencies;

(iv) Local governments and communities in the area, including the Anderson Island community, Steilacoom, and Pierce county; and

(v) Interested private organizations and individuals.

(e) The report must be submitted to the governor and appropriate committees of the legislature by October 1, 2012.

*(4) As part of negotiations for labor contracts for the 2013-2015 fiscal biennium, the office of labor relations shall propose to the bargaining representatives for state employees the authorization to collect employee health care premiums on a sliding scale based on the employee's salary.*

*(5) Funding provided in this section is sufficient for the office of financial management to conduct an impact and feasibility study to review possible implications of a direct deposit mandate for state employees. This mandate would require that state employees receive their paychecks through direct deposit. The impact and feasibility study will consider the potential impact on employees and potential liabilities for employers and include a recommendation as to whether the state should implement a direct deposit mandate. The study shall be due to the fiscal committees of the legislature by December 1, 2011.*

*(6) Funding provided in this section is sufficient for the office of financial management to conduct a feasibility study on the potential impacts of a system that would allow digital signatures to serve as valid employee signatures for the purpose of employment activities. In conducting this study, the office of financial management should assume that this system would be available to all state employees. The study must consider cost and other impacts to the state, including potential liabilities. The study shall be due to the fiscal committees of the legislature by December 1, 2011.*

(7) The appropriations in this section include funding for activities transferred from the sentencing guidelines commission to the office of financial management pursuant to Engrossed Substitute Senate Bill No. 5891 (criminal justice cost savings). Prior to the effective date of Engrossed Substitute Senate Bill No. 5891, the appropriations in this section may be expended for the continued operations and expenses of the sentencing guidelines commission pursuant to the expenditure authority schedule produced by the office of financial management in accordance with chapter 43.88 RCW.

*(8) \$50,000 of the general fund—state appropriation for fiscal year 2012 and \$50,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for the office of financial management to contract with the Washington state quality award for training, outreach, and assessments for public agencies and public agency vendors.*

*(9) The government management and accountability performance program will develop by October 1, 2011, in coordination with the Washington state quality award, a plan for all agencies to complete a Washington state quality award or baldrige full assessment by June 30, 2013. The plan must also include a schedule for agencies to complete an assessment at least every three years, and for agencies to attain a score of 60 percent by 2020.*

*(10) The priorities of government program must include in their report the Washington state quality award assessment score for agencies, as defined in chapter 384, Laws of 2005 (HB 1970), in its performance measures for implementing the quality management, accountability and performance system.*

\*Sec. 129 was partially vetoed. See message at end of chapter.

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**NEW SECTION. Sec. 130. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS**

Administrative Hearings Revolving Account—State  
Appropriation . . . . . \$34,040,000

The appropriation in this section is subject to the following conditions and limitations: \$769,000 of the administrative hearings revolving account—state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5921 (social services programs). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 131. FOR THE WASHINGTON STATE LOTTERY**

Lottery Administrative Account—State  
Appropriation . . . . . \$25,694,000

**NEW SECTION. Sec. 132. FOR THE COMMISSION ON HISPANIC AFFAIRS**

General Fund—State Appropriation (FY 2012) . . . . . \$246,000  
General Fund—State Appropriation (FY 2013) . . . . . \$250,000  
TOTAL APPROPRIATION . . . . . \$496,000

**NEW SECTION. Sec. 133. FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS**

General Fund—State Appropriation (FY 2012) . . . . . \$239,000  
General Fund—State Appropriation (FY 2013) . . . . . \$238,000  
TOTAL APPROPRIATION . . . . . \$477,000

**\*NEW SECTION. Sec. 134. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS**

Department of Retirement Systems Expense  
Account—State Appropriation . . . . . \$47,057,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$146,000 of the department of retirement systems—state appropriation is provided solely for the administrative costs associated with implementation of House Bill No. 2070 (state and local government employees). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(2) \$65,000 of the department of retirement systems—state appropriation is provided solely for the administrative costs associated with implementation of House Bill No. 1625 (plan 3 default investment option). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(3) \$133,000 of the department of retirement systems—state appropriation is provided solely for the administrative costs associated with implementation of Engrossed House Bill No. 1981 as amended (post-retirement employment). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

*(4) \$44,000 of the department of retirement systems—state appropriation is provided solely for the administrative costs associated with implementation of Substitute Senate Bill No. 5846 (retired public employees). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.*

(5) \$15,000 of the department of retirement systems expense account—state appropriation is provided solely for the administrative costs associated with implementation of Substitute House Bill No. 2021 (plan 1 annual increase amounts). If the bill is not enacted by June 30, 2011, the amount provided in this section shall lapse.

\*Sec. 134 was partially vetoed. See message at end of chapter.

**NEW SECTION. Sec. 135. FOR THE DEPARTMENT OF REVENUE**

General Fund—State Appropriation (FY 2012) . . . . .	\$104,380,000
General Fund—State Appropriation (FY 2013) . . . . .	\$104,232,000
Timber Tax Distribution Account—State Appropriation . . . . .	\$5,940,000
Waste Reduction/Recycling/Litter Control—State Appropriation. . . . .	\$129,000
Waste Tire Removal Account—State Appropriation . . . . .	\$2,000
State Toxics Control Account—State Appropriation . . . . .	\$87,000
Oil Spill Prevention Account—State Appropriation . . . . .	\$19,000
Master License Fund—State Appropriation . . . . .	\$14,012,000
Vehicle License Fraud Account—State Appropriation. . . . .	\$5,000
Performance Audits of Government Account—State Appropriation. . . . .	\$3,188,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$231,994,000</b>

**NEW SECTION. Sec. 136. FOR THE STATE INVESTMENT BOARD**

State Investment Board Expense Account—State Appropriation. . . . .	\$29,256,000
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**NEW SECTION. Sec. 137. FOR THE BOARD OF TAX APPEALS**

General Fund—State Appropriation (FY 2012) . . . . .	\$1,241,000
General Fund—State Appropriation (FY 2013) . . . . .	\$1,219,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$2,460,000</b>

**NEW SECTION. Sec. 138. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES**

OMWBE Enterprises Account—State Appropriation . . . . .	\$3,266,000
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**\*NEW SECTION. Sec. 139. FOR THE CONSOLIDATED TECHNOLOGY SERVICES AGENCY**

General Fund—State Appropriation (FY 2012) . . . . .	\$3,000
General Fund—State Appropriation (FY 2013) . . . . .	\$4,000
General Fund—Private/Local Appropriation . . . . .	\$356,000
Data Processing Revolving Account—State Appropriation. . . . .	\$53,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$416,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are for the operations and expenses of the consolidated technology services agency as established by Engrossed Substitute Senate Bill No. 5931 (central service functions of state government), effective October 1, 2011. Prior to October 1, 2011, the appropriations in this section may be expended for the continued operations and expenses of the department of information services pursuant to the expenditure authority schedules produced by the office of financial management in accordance with chapter 43.88 RCW.

(2) The appropriations in this section fund implementation of Senate Bill No. 5931 (streamlining central service functions).

(3) *\$26,794,000 from the data processing revolving account appropriation may be expended to design and install the network and other necessary equipment to operate a consolidated state data center. Before expending any funds from this account for equipping and operating the data center, the following conditions must be met:*

*(a) The office of the chief information officer shall be established and a chief information officer appointed as directed under Engrossed Substitute Senate Bill No. 5931 (information technology management);*

*(b) Technical standards for agencies to adopt shared services consistent with the consolidated data center have been developed and approved by the chief information officer;*

*(c) Labor provisions and contracting and purchasing authority have been implemented consistent with Engrossed Substitute Senate Bill No. 5931 (information technology management); and*

*(d) The consolidated technology services agency has developed a rate model that provides competitive rates for agencies that use the state data center. If necessary, the consolidated technology services agency shall identify options with input from various stakeholders to offset the fixed costs of operating the data center to allow for competitive rates to be charged to agencies, including, but not limited to, considering the agency competitively selecting a vendor to design, install, and operate the consolidated data center.*

*(4) Once the conditions in subsection (1) of this section have been met and approved by the office of financial management and the chief information officer, the chief information officer and the consolidated technology services agency shall submit to the appropriate committees of the legislature a detailed technical, financial, and logistical implementation plan for operation of the consolidated data center.*

\*Sec. 139 was partially vetoed. See message at end of chapter.

**NEW SECTION. Sec. 140. FOR THE INSURANCE COMMISSIONER**

General Fund—Federal Appropriation . . . . .	\$4,452,000
Insurance Commissioners Regulatory Account—State	
Appropriation . . . . .	\$47,509,000
TOTAL APPROPRIATION . . . . .	\$51,961,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$75,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5445 (health benefit exchange).

(2) \$42,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for the implementation of Senate Bill No. 5213 (insurance statutes).

**NEW SECTION. Sec. 141. FOR THE BOARD OF ACCOUNTANCY**

Certified Public Accountants' Account—State	
Appropriation . . . . .	\$2,810,000

**NEW SECTION. Sec. 142. FOR THE FORENSIC INVESTIGATION COUNCIL**

Death Investigations Account—State Appropriation . . . . . \$286,000

The appropriation in this section is subject to the following conditions and limitations: \$250,000 of the death investigations account appropriation is provided solely for providing financial assistance to local jurisdictions in multiple death investigations. The forensic investigation council shall develop criteria for awarding these funds for multiple death investigations involving an unanticipated, extraordinary, and catastrophic event or those involving multiple jurisdictions.

**NEW SECTION. Sec. 143. FOR THE HORSE RACING COMMISSION**

Horse Racing Commission Operating Account—State  
Appropriation. . . . . \$4,040,000

**\*NEW SECTION. Sec. 144. FOR THE LIQUOR CONTROL BOARD**

Liquor Control Board Construction and Maintenance  
Account—State Appropriation . . . . . \$10,081,000  
Liquor Revolving Account—State Appropriation . . . . . \$176,646,000  
General Fund—Federal Appropriation . . . . . \$120,000  
TOTAL APPROPRIATION . . . . . \$186,847,000

The appropriations in this section are subject to the following conditions and limitations:

*(1) \$198,000 of the liquor revolving account—state appropriation is provided solely for the implementation of Senate Bill No. 5916 or House Bill No. 2043 (liquor related products). If neither bill is enacted by June 30, 2011, the amount provided in this section shall lapse.*

*(2) \$82,000 of the liquor revolving account—state appropriation is provided solely for the implementation of Senate Bill No. 5917 or House Bill No. 2043 (co-located contract stores). If neither bill is enacted by June 30, 2011, the amount provided in this section shall lapse.*

\*Sec. 144 was partially vetoed. See message at end of chapter.

**NEW SECTION. Sec. 145. FOR THE UTILITIES AND TRANSPORTATION COMMISSION**

General Fund—Federal Appropriation . . . . . \$502,000  
General Fund—Private/Local Appropriation . . . . . \$11,175,000  
Public Service Revolving Account—State  
Appropriation. . . . . \$30,990,000  
Pipeline Safety Account—State Appropriation . . . . . \$3,201,000  
Pipeline Safety Account—Federal Appropriation . . . . . \$2,848,000  
TOTAL APPROPRIATION . . . . . \$48,716,000

The appropriations in this section are subject to the following conditions and limitations:

(1) In accordance with RCW 80.36.610(1), the utilities and transportation commission is authorized to establish federal telecommunications act services fees in fiscal year 2012 as necessary to meet the actual costs of conducting business and the appropriation levels in this section.

(2) \$15,000 of the pipeline safety account—state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1634 (underground utilities).

(3) \$182,000 of the public service revolving account—state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5769 (coal-fired generation).

(4) \$169,000 of the public service revolving account—state appropriation is provided solely for the implementation of Second Substitute Senate Bill No. 5034 (private infrastructure).

**NEW SECTION. Sec. 146. FOR THE MILITARY DEPARTMENT**

General Fund—State Appropriation (FY 2012) . . . . .	\$8,010,000
General Fund—State Appropriation (FY 2013) . . . . .	\$8,001,000
General Fund—Federal Appropriation . . . . .	\$159,181,000
Enhanced 911 Account—State Appropriation . . . . .	\$46,556,000
Disaster Response Account—State Appropriation . . . . .	\$17,933,000
Disaster Response Account—Federal Appropriation . . . . .	\$66,266,000
Military Department Rent and Lease Account—State Appropriation . . . . .	\$615,000
Worker and Community Right-to-Know Account—State Appropriation . . . . .	\$2,165,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$308,727,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$18,018,000 of the disaster response account—state appropriation and \$66,266,000 of the disaster response account—federal appropriation may be spent only on disasters declared by the governor and with the approval of the office of financial management. The military department shall submit a report to the office of financial management and the legislative fiscal committees on October 1st and February 1st of each year detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2011-2013 biennium based on current revenue and expenditure patterns.

(2) \$75,000,000 of the general fund—federal appropriation is provided solely for homeland security, subject to the following conditions:

(a) Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee; and

(b) The department shall submit an annual report to the office of financial management and the legislative fiscal committees detailing the governor's domestic security advisory group recommendations; homeland security revenues and expenditures, including estimates of total federal funding for the state; and incremental changes from the previous estimate.

**NEW SECTION. Sec. 147. FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS**

Volunteer Firefighters' and Reserve Officers' Administrative Account—State Appropriation . . . . .	\$1,064,000
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**NEW SECTION. Sec. 148. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION**

General Fund—State Appropriation (FY 2012) . . . . .	\$2,347,000
General Fund—State Appropriation (FY 2013) . . . . .	\$2,402,000
Higher Education Personnel Services Account—State Appropriation. . . . .	\$251,000
Department of Personnel Service Account—State Appropriation. . . . .	\$3,309,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$8,309,000</b>

**NEW SECTION. Sec. 149. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

Washington State Heritage Center Account—State Appropriation. . . . .	\$2,517,000
General Fund—Federal Appropriation. . . . .	\$1,908,000
General Fund—Private/Local Appropriation . . . . .	\$14,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$4,439,000</b>

**NEW SECTION. Sec. 150. FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

General Fund—State Appropriation (FY 2012) . . . . .	\$4,052,000
General Fund—State Appropriation (FY 2013) . . . . .	\$4,047,000
General Fund—Federal Appropriation. . . . .	\$177,000
General Fund—Private/Local Appropriation . . . . .	\$368,000
Building Code Council Account—State Appropriation . . . . .	\$1,185,000
Department of Personnel Service Account—State Appropriation. . . . .	\$9,511,000
General Administration Service Account—State Appropriation. . . . .	\$26,524,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$45,864,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are for the operations and expenses of the department of enterprise services as established by Engrossed Substitute Senate Bill No. 5931 (central service functions of state government), effective October 1, 2011. Prior to October 1, 2011, the appropriations in this section may be expended for the continued operations and expenses of the office of financial management, the department of general administration, the department of information services, and the department of personnel, pursuant to the expenditure authority schedules produced by the office of financial management, in accordance with chapter 43.88 RCW.

(2) \$3,090,000 of the general fund—state appropriation for fiscal year 2012 and \$3,090,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for the payment of facilities and services charges, utilities and contracts charges, public and historic facilities charges, and capital projects surcharges allocable to the senate, house of representatives, statute law committee, and joint legislative systems committee. The department shall allocate charges attributable to these agencies among the affected revolving funds. The department shall maintain an interagency agreement with these agencies to establish performance standards, prioritization of preservation and

capital improvement projects, and quality assurance provisions for the delivery of services under this subsection. The legislative agencies named in this subsection shall continue to enjoy all of the same rights of occupancy and space use on the capitol campus as historically established.

(3) In accordance with RCW 46.08.172 and 43.135.055, the department is authorized to increase parking fees in fiscal years 2012 and 2013 as necessary to meet the actual costs of conducting business.

(4) The building code council account appropriation is provided solely for the operation of the state building code council as required by statute and modified by the standards established by executive order 10-06. The council shall not consider any proposed code amendment or take any other action not authorized by statute or in compliance with the standards established in executive order 10-06. No member of the council may receive compensation, per diem, or reimbursement for activities other than physical attendance at those meetings of the state building code council or the council's designated committees, at which the opportunity for public comment is provided generally and on all agenda items upon which the council proposes to take action.

(5) Specific funding is provided for the purposes of section 3 of House Bill No. 1770 (state purchasing).

(6) The amounts appropriated in this section are for implementation of Senate Bill No. 5931 (streamlining central service functions).

**NEW SECTION. Sec. 151. FOR INNOVATE WASHINGTON**

General Fund—State Appropriation (FY 2012) . . . . .	\$2,999,000
General Fund—State Appropriation (FY 2013) . . . . .	\$3,011,000
TOTAL APPROPRIATION . . . . .	\$6,010,000

**PART II  
HUMAN SERVICES**

**\*NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

(1) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this

subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The health care authority and the department are authorized to develop an integrated health care program designed to slow the progression of illness and disability and better manage medicaid expenditures for the aged and disabled population. Under this Washington medicaid integration partnership (WMIP), the health care authority and the department may combine and transfer such medicaid funds appropriated under sections 204, 206, 208, and 213 of this act as may be necessary to finance a unified health care plan for the WMIP program enrollment. The WMIP pilot projects shall not exceed a daily enrollment of 6,000 persons, nor expand beyond one county during the 2011-2013 fiscal biennium. The amount of funding assigned from each program may not exceed the average per capita cost assumed in this act for individuals covered by that program, actuarially adjusted for the health condition of persons enrolled, times the number of clients enrolled. In implementing the WMIP, the health care authority and the department may: (a) Withhold from calculations of "available resources" as set forth in RCW 71.24.025 a sum equal to the capitated rate for enrolled individuals; and (b) employ capitation financing and risk-sharing arrangements in collaboration with health care service contractors licensed by the office of the insurance commissioner and qualified to participate in both the medicaid and medicare programs. The health care authority and the department shall conduct an evaluation of the WMIP, measuring changes in participant health outcomes, changes in patterns of service utilization, participant satisfaction, participant access to services, and the state fiscal impact.

(4) The legislature finds that medicaid payment rates, as calculated by the department pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

***(5) By October 1, 2011, the department shall compile and submit to the department of health data regarding food procurement costs for fiscal year 2011 regarding meals and other food for both residential and nonresidential clients, including the percentage of food purchased from Washington sources. The data shall be reported by setting and population, including costs per client, and be accompanied by the department's current food purchasing policies and standards.***

(6) The department shall to the maximum extent practicable use the same system for delivery of spoken-language interpreter services for social services appointments as the one established for medical appointments in section 213 of this act. When contracting directly with an individual to deliver spoken language interpreter services, the department shall only contract with language access providers who are working at a location in the state and who are state-certified or state-authorized, except that when such a provider is not available,

the department may use a language access provider who meets other certifications or standards deemed to meet state standards, including interpreters in other states.

\*Sec. 201 was partially vetoed. See message at end of chapter.

**\*NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—CHILDREN AND FAMILY SERVICES PROGRAM**

General Fund—State Appropriation (FY 2012) . . . . .	\$301,565,000
General Fund—State Appropriation (FY 2013) . . . . .	\$302,895,000
General Fund—Federal Appropriation . . . . .	\$473,030,000
General Fund—Private/Local Appropriation . . . . .	\$1,358,000
Home Security Fund—State Appropriation . . . . .	\$10,741,000
Domestic Violence Prevention Account—State Appropriation . . . . .	\$1,154,000
Education Legacy Trust Account—State Appropriation . . . . .	\$725,000
TOTAL APPROPRIATION . . . . .	\$1,091,468,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within amounts provided for the foster care and adoption support programs, the department shall control reimbursement decisions for foster care and adoption support cases such that the aggregate average cost per case for foster care and for adoption support does not exceed the amounts assumed in the projected caseload expenditures.

(2) \$668,000 of the general fund—state appropriation for fiscal year 2012 and \$668,000 of the general fund—state appropriation for fiscal year 2013 are provided solely to contract for the operation of one pediatric interim care center. The center shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the center must be in need of special care as a result of substance abuse by their mothers. The center shall also provide on-site training to biological, adoptive, or foster parents. The center shall provide at least three months of consultation and support to the parents accepting placement of children from the center. The center may recruit new and current foster and adoptive parents for infants served by the center. The department shall not require case management as a condition of the contract. The department shall collaborate with the pediatric interim care center to determine if and how the center could be appropriately incorporated into the performance-based contract model and report its findings to the legislature by December 1, 2012.

(3)(a) \$85,114,000 of the general fund—state appropriation for fiscal year 2012, \$85,409,000 of the general fund—state appropriation for fiscal year 2013, and \$79,166,000 of the general fund—federal appropriation are provided solely for services for children and families subject to RCW 74.13.360 and House Bill No. 2122 (child welfare). Prior to approval of contract services pursuant to RCW 74.13.360 and House Bill No. 2122, the amounts provided in this section shall be allotted on a monthly basis and expenditures shall not exceed allotments based on a three month rolling average without approval of the office of financial management following notification to the legislative fiscal committees.

(b) The department shall use performance-based contracts to provide services to safely reduce the number of children in out-of-home care, safely reduce the time spent in out-of-home care prior to achieving permanency, and safely reduce the number of children returning to out-of-home care following permanency. The department shall provide an initial report to the legislature and the governor by January 15, 2012, regarding the start-up costs associated with performance-based contracts under RCW 74.13.360 and House Bill No. 2122 (child welfare).

(4) \$176,000 of the general fund—state appropriation for fiscal year 2012, \$177,000 of the general fund—state appropriation for fiscal year 2013, \$656,000 of the general fund—private/local appropriation, \$253,000 of the general fund—federal appropriation, and \$725,000 of the education legacy trust account—state appropriation are provided solely for children's administration to contract with an educational advocacy provider with expertise in foster care educational outreach. The amounts in this subsection are provided solely for contracted education coordinators to assist foster children in succeeding in K-12 and higher education systems and to assure a focus on education during the transition to performance based contracts. Funding shall be prioritized to regions with high numbers of foster care youth and/or regions where backlogs of youth that have formerly requested educational outreach services exist. The department shall utilize private matching funds to maintain educational advocacy services.

(5) \$670,000 of the general fund—state appropriation for fiscal year 2012 and \$670,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for services provided through children's advocacy centers.

(6) To ensure expenditures remain within available funds appropriated in this section as required by RCW 74.13A.005 and 74.13A.020, the secretary shall not set the amount of any adoption assistance payment or payments, made pursuant to RCW 26.33.320 and 74.13A.005 through 74.13A.080, to more than ninety percent of the foster care maintenance payment for that child had he or she remained in a foster family home during the same period. This subsection does not apply to adoption assistance agreements in existence on the effective date of this section.

(7) \$10,741,000 of the home security fund—state appropriation is provided solely for the department to contract for services pursuant to RCW 13.32A.030 and 74.15.220. The department shall contract and collaborate with service providers in a manner that maintains the availability and geographic representation of secure and semi-secure crisis residential centers and HOPE centers. To achieve efficiencies and increase utilization, the department shall allow the co-location of these centers, except that a youth may not be placed in a secure facility or the secure portion of a co-located facility except as specifically authorized by chapter 13.32A RCW. The reductions to appropriations in this subsection related to semi-secure crisis residential centers reflect a reduction to the number of beds for semi-secure crisis residential centers and not a reduction in rates. Any secure crisis residential center or semi-secure crisis residential center bed reduction shall not be based solely upon bed utilization. The department is to exercise its discretion in reducing the number of beds but to do so in a manner that maintains availability and geographic representation of semi-secure and secure crisis residential centers.

(8) *The department shall convene a workgroup to develop a methodology for calculating savings associated with reductions in foster care caseloads that may be made available for reinvestment into evidence-based prevention and other intervention services designed to prevent the need for or reduce the duration of foster care placements. The workgroup membership shall include, at a minimum, the department, office of financial management, caseload forecast council, Partners for our Children, and legislative fiscal committee staff. The workgroup shall obtain input from experts who have provided consultation in the implementation of performance-based contracting under RCW 74.13.360. The workgroup shall evaluate necessary data, define and establish a baseline level of foster care caseloads or spending to use in calculating savings, and develop a methodology for calculating and distributing savings. The department shall submit a report to the governor and relevant fiscal and policy committees of the legislature by November 15, 2011.*

(9) \$47,000 of the general fund—state appropriation for fiscal year 2012, \$14,000 of the general fund—state appropriation for fiscal year 2013, and \$40,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 1697 (dependency system). If the bill is not enacted by June 30, 2011, the amounts provided in this subsection shall lapse.

(10) \$564,000 of the general fund—federal appropriation is provided solely to implement Second Substitute House Bill No. 1128 (extended foster care). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(11) *The appropriations in this section reflect reductions in the appropriations for the children's administration administrative expenses. It is the intent of the legislature that these reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.*

\*Sec. 202 was partially vetoed. See message at end of chapter.

**NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—JUVENILE REHABILITATION PROGRAM**

General Fund—State Appropriation (FY 2012) . . . . .	\$87,025,000
General Fund—State Appropriation (FY 2013) . . . . .	\$86,803,000
General Fund—Federal Appropriation . . . . .	\$702,000
General Fund—Private/Local Appropriation . . . . .	\$1,903,000
Washington Auto Theft Prevention Authority Account—	
State Appropriation . . . . .	\$196,000
Juvenile Accountability Incentive Account—Federal	
Appropriation . . . . .	\$2,801,000
TOTAL APPROPRIATION . . . . .	\$179,430,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$331,000 of the general fund—state appropriation for fiscal year 2012 and \$331,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of

chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(2) \$2,716,000 of the general fund—state appropriation for fiscal year 2012 and \$2,716,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 338, Laws of 1997 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(3) \$3,482,000 of the general fund—state appropriation for fiscal year 2012 and \$3,482,000 of the general fund—state appropriation for fiscal year 2013 are provided solely to implement community juvenile accountability grants pursuant to chapter 338, Laws of 1997 (juvenile code revisions). Funds provided in this subsection may be used solely for community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants.

(4) \$1,130,000 of the general fund—state appropriation for fiscal year 2012 and \$1,130,000 of the general fund—state appropriation for fiscal year 2013 are provided solely to implement alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these moneys on a competitive basis to counties that submitted a plan for the provision of services approved by the division of alcohol and substance abuse. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

(5) \$3,123,000 of the general fund—state appropriation for fiscal year 2012 and \$3,123,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for grants to county juvenile courts for the following programs identified by the Washington state institute for public policy (institute) in its October 2006 report: "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates": Functional family therapy, multi-systemic therapy, aggression replacement training and interagency coordination programs, or other programs with a positive benefit-cost finding in the institute's report. County juvenile courts shall apply to the juvenile rehabilitation administration for funding for program-specific participation and the administration shall provide grants to the courts consistent with the per-participant treatment costs identified by the institute.

(6) \$1,537,000 of the general fund—state appropriation for fiscal year 2012 and \$1,537,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for expansion of the following treatments and therapies in juvenile rehabilitation administration programs identified by the Washington state institute for public policy in its October 2006 report: "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates": Multidimensional treatment foster care, family integrated transitions, and aggression replacement training, or other programs with a positive benefit-cost finding in the institute's report. The administration may concentrate delivery of these treatments and therapies at a limited number of programs to deliver the treatments in a cost-effective manner.

(7)(a) The juvenile rehabilitation administration shall administer a block grant, rather than categorical funding, of consolidated juvenile service funds, community juvenile accountability act grants, the chemical dependency disposition alternative funds, the mental health disposition alternative, and the sentencing disposition alternative for the purpose of serving youth adjudicated in the juvenile justice system. In making the block grant, the juvenile rehabilitation administration shall follow the following formula and will prioritize evidence-based programs and disposition alternatives and take into account juvenile courts program-eligible youth in conjunction with the number of youth served in each approved evidence-based program or disposition alternative: (i) Thirty-seven and one-half percent for the at-risk population of youth ten to seventeen years old; (ii) fifteen percent for moderate and high-risk youth; (iii) twenty-five percent for evidence-based program participation; (iv) seventeen and one-half percent for minority populations; (v) three percent for the chemical dependency disposition alternative; and (vi) two percent for the mental health and sentencing dispositional alternatives. Funding for the special sex offender disposition alternative (SSODA) shall not be included in the block grant, but allocated on the average daily population in juvenile courts. Funding for the evidence-based expansion grants shall be excluded from the block grant formula. Funds may be used for promising practices when approved by the juvenile rehabilitation administration and juvenile courts, through the community juvenile accountability act committee, based on the criteria established in consultation with Washington state institute for public policy and the juvenile courts.

(b) The juvenile rehabilitation administration shall phase the implementation of the formula provided in subsection (1) of this section by including a stop-loss formula of five percent in fiscal year 2012 and five percent in fiscal year 2013.

(c) The juvenile rehabilitation administration and the juvenile courts shall establish a block grant funding formula oversight committee with equal representation from the juvenile rehabilitation administration and the juvenile courts. The purpose of this committee is to assess the ongoing implementation of the block grant funding formula, utilizing data-driven decision making and the most current available information. The committee will be cochaired by the juvenile rehabilitation administration and the juvenile courts, who will also have the ability to change members of the committee as needed to achieve its purpose. Initial members will include one juvenile court representative from the finance committee, the community juvenile accountability act committee, the risk assessment quality assurance committee, the executive board of the Washington association of juvenile court administrators, the Washington state center for court research, and a representative of the superior court judges association; two representatives from the juvenile rehabilitation administration headquarters program oversight staff, two representatives of the juvenile rehabilitation administration regional office staff, one representative of the juvenile rehabilitation administration fiscal staff and a juvenile rehabilitation administration division director. The committee may make changes to the formula categories other than the evidence-based program and disposition alternative categories if it is determined the changes will increase statewide service delivery or effectiveness of evidence-based program or disposition alternative resulting in increased cost benefit savings to the state. Long-term



cost benefit must be considered. Percentage changes may occur in the evidence-based program or disposition alternative categories of the formula should it be determined the changes will increase evidence-based program or disposition alternative delivery and increase the cost benefit to the state. These outcomes will also be considered in determining when evidence-based expansion or special sex offender disposition alternative funds should be included in the block grant or left separate.

(d) The juvenile courts and administrative office of the courts shall be responsible for collecting and distributing information and providing access to the data systems to the juvenile rehabilitation administration and the Washington state institute for public policy related to program and outcome data. The juvenile rehabilitation administration and the juvenile courts will work collaboratively to develop program outcomes that reinforce the greatest cost benefit to the state in the implementation of evidence-based practices and disposition alternatives.

(8) The juvenile courts and administrative office of the courts shall collect and distribute information related to program outcome and provide access to these data systems to the juvenile rehabilitation administration and Washington state institute for public policy. Consistent with chapter 13.50 RCW, all confidentiality agreements necessary to implement this information-sharing shall be approved within 30 days of the effective date of this section. The agreements between administrative office of the courts, the juvenile courts, and the juvenile rehabilitation administration shall be executed to ensure that the juvenile rehabilitation administration receives the data that the juvenile rehabilitation administration identifies as needed to comply with this subsection. This includes, but is not limited to, information by program at the statewide aggregate level, individual court level, and individual client level for the purpose of the juvenile rehabilitation administration providing quality assurance and oversight for the locally committed youth block grant and associated funds and at times as specified by the juvenile rehabilitation administration as necessary to carry out these functions. The data shall be provided in a manner that reflects the collaborative work the juvenile rehabilitation administration and juvenile courts have developed regarding program outcomes that reinforce the greatest cost benefit to the state in the implementation of evidence-based practices and disposition alternatives.

**NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MENTAL HEALTH PROGRAM**

**(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS**

General Fund—State Appropriation (FY 2012) . . . . .	\$322,704,000
General Fund—State Appropriation (FY 2013) . . . . .	\$327,615,000
General Fund—Federal Appropriation . . . . .	\$456,691,000
General Fund—Private/Local Appropriation . . . . .	\$17,604,000
Hospital Safety Net Assessment Fund—State Appropriation . . . . .	\$6,802,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$1,131,416,000</b>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$109,342,000 of the general fund—state appropriation for fiscal year 2012 and \$109,341,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for persons and services not covered by the medicaid program. This is a reduction of \$4,348,000 each fiscal year from the nonmedicaid funding that was allocated for expenditure by regional support networks during fiscal year 2011 prior to supplemental budget reductions. This \$4,348,000 reduction shall be distributed among regional support networks proportional to each network's share of the total state population. To the extent possible, levels of regional support network spending shall be maintained in the following priority order: (i) Crisis and commitment services; (ii) community inpatient services; and (iii) residential care services, including personal care and emergency housing assistance.

(b) \$6,590,000 of the general fund—state appropriation for fiscal year 2012, \$6,590,000 of the general fund—state appropriation for fiscal year 2013, and \$7,620,000 of the general fund—federal appropriation are provided solely for the department and regional support networks to continue to contract for implementation of high-intensity programs for assertive community treatment (PACT) teams. In determining the proportion of medicaid and nonmedicaid funding provided to regional support networks with PACT teams, the department shall consider the differences between regional support networks in the percentages of services and other costs associated with the teams that are not reimbursable under medicaid. The department may allow regional support networks which have nonmedicaid reimbursable costs that are higher than the nonmedicaid allocation they receive under this section to supplement these funds with local dollars or funds received under section 204(1)(a) of this act. The department and regional support networks shall maintain consistency with all essential elements of the PACT evidence-based practice model in programs funded under this section.

(c) \$5,850,000 of the general fund—state appropriation for fiscal year 2012, \$5,850,000 of the general fund—state appropriation for fiscal year 2013, and \$1,300,000 of the general fund—federal appropriation are provided solely for the western Washington regional support networks to provide either community- or hospital campus-based services for persons who require the level of care previously provided by the program for adaptive living skills (PALS) at western state hospital.

(d) The number of nonforensic beds allocated for use by regional support networks at eastern state hospital shall be 192 per day. The number of nonforensic beds allocated for use by regional support networks at western state hospital shall be 557 per day.

(e) From the general fund—state appropriations in this subsection, the secretary of social and health services shall assure that regional support networks reimburse the aging and disability services administration for the general fund—state cost of medicaid personal care services that enrolled regional support network consumers use because of their psychiatric disability.

(f) \$4,582,000 of the general fund—state appropriation for fiscal year 2012 and \$4,582,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon release from confinement.

(g) The department is authorized to continue to contract directly, rather than through contracts with regional support networks, for children's long-term inpatient facility services.

(h) \$750,000 of the general fund—state appropriation for fiscal year 2012 and \$750,000 of the general fund—state appropriation for fiscal year 2013 are provided solely to continue performance-based incentive contracts to provide appropriate community support services for individuals with severe mental illness who were discharged from the state hospitals as part of the expanding community services initiative. These funds will be used to enhance community residential and support services provided by regional support networks through other state and federal funding.

(i) \$1,125,000 of the general fund—state appropriation for fiscal year 2012 and \$1,125,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for the Spokane regional support network to implement services to reduce utilization and the census at eastern state hospital. Such services shall include:

(i) High intensity treatment team for persons who are high utilizers of psychiatric inpatient services, including those with co-occurring disorders and other special needs;

(ii) Crisis outreach and diversion services to stabilize in the community individuals in crisis who are at risk of requiring inpatient care or jail services;

(iii) Mental health services provided in nursing facilities to individuals with dementia, and consultation to facility staff treating those individuals; and

(iv) Services at the sixteen-bed evaluation and treatment facility.

At least annually, the Spokane regional support network shall assess the effectiveness of these services in reducing utilization at eastern state hospital, identify services that are not optimally effective, and modify those services to improve their effectiveness.

(j) \$1,529,000 of the general fund—state appropriation for fiscal year 2012 and \$1,529,000 of the general fund—state appropriation for fiscal year 2013 are provided solely to reimburse Pierce and Spokane counties for the cost of conducting 180-day commitment hearings at the state psychiatric hospitals.

(k) Regional support networks may use local funds to earn additional federal medicaid match, provided the locally matched rate does not exceed the upper-bound of their federally allowable rate range, and provided that the enhanced funding is used only to provide medicaid state plan or waiver services to medicaid clients. Additionally, regional support networks may use a portion of the state funds allocated in accordance with (a) of this subsection to earn additional medicaid match, but only to the extent that the application of such funds to medicaid services does not diminish the level of crisis and commitment, community inpatient, residential care, and outpatient services presently available to persons not eligible for medicaid.

(l) Given the recent approval of federal medicaid matching funds for the disability lifeline and the alcohol and drug abuse treatment support act programs, the department shall charge regional support networks for only the state share rather than the total cost of community psychiatric hospitalization for persons enrolled in those programs.

(m) \$750,000 of the general fund—state appropriation for fiscal year 2012, \$750,000 of the general fund—state appropriation for fiscal year 2013, and

\$1,500,000 of the general fund—federal appropriation are provided solely to adjust regional support network capitation rates to account for the per diem rates actually paid for psychiatric care provided at hospitals participating in the certified public expenditure program operated pursuant to section 213 of this act.

(2) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2012) . . . . .	\$114,686,000
General Fund—State Appropriation (FY 2013) . . . . .	\$113,766,000
General Fund—Federal Appropriation . . . . .	\$150,767,000
General Fund—Private/Local Appropriation . . . . .	\$65,834,000
TOTAL APPROPRIATION . . . . .	\$445,053,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state psychiatric hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) \$231,000 of the general fund—state appropriation for fiscal year 2012 and \$231,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for a community partnership between western state hospital and the city of Lakewood to support community policing efforts in the Lakewood community surrounding western state hospital. The amounts provided in this subsection (2)(b) are for the salaries, benefits, supplies, and equipment for one full-time investigator, one full-time police officer, and one full-time community service officer at the city of Lakewood.

(c) \$45,000 of the general fund—state appropriation for fiscal year 2012 and \$45,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for payment to the city of Lakewood for police services provided by the city at western state hospital and adjacent areas.

(d) \$20,000,000 of the general fund—state appropriation for fiscal year 2012 and \$20,000,000 of the general fund—state appropriation for fiscal year 2013 are provided solely to maintain staffed capacity to serve an average daily census in forensic wards at western state hospital of 270 patients per day.

(3) SPECIAL PROJECTS

General Fund—State Appropriation (FY 2012) . . . . .	\$1,457,000
General Fund—State Appropriation (FY 2013) . . . . .	\$1,462,000
General Fund—Federal Appropriation . . . . .	\$2,682,000
General Fund—Private/Local Appropriation . . . . .	\$700,000
TOTAL APPROPRIATION . . . . .	\$6,301,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$1,161,000 of the general fund—state appropriation for fiscal year 2012 and \$1,161,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for children's evidence based mental health services. Funding is sufficient to continue serving children at the same levels as fiscal year 2009.

(b) \$700,000 of the general fund—private/local appropriation is provided solely for the University of Washington's evidence based practice institute which supports the identification, evaluation, and implementation of evidence-based or promising practices for serving children and youth with mental health disorders.

The department shall enter into an interagency agreement with the office of the attorney general for expenditure of \$700,000 of the state's proceeds of the *cy pres* settlement in *State of Washington v. AstraZeneca* (Seroquel) for this purpose.

(4) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2012) . . . . .	\$4,276,000
General Fund—State Appropriation (FY 2013) . . . . .	\$4,102,000
General Fund—Federal Appropriation . . . . .	\$6,894,000
General Fund—Private/Local Appropriation . . . . .	\$446,000
TOTAL APPROPRIATION . . . . .	\$15,718,000

The appropriations in this subsection are subject to the following conditions and limitations: In accordance with RCW 43.20B.110, 43.135.055, and 71.24.035, the department is authorized to increase license and certification fees in fiscal years 2012 and 2013 to support the costs of the regulatory program. The fee schedule increases must be developed so that the maximum amount of additional fees paid by providers statewide in the 2011-2013 fiscal biennium is \$446,000. The department's fee schedule shall have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower costs of licensing for these programs than for other organizations which are not accredited.

**\*NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—DEVELOPMENTAL DISABILITIES PROGRAM**

(1) COMMUNITY SERVICES

General Fund—State Appropriation (FY 2012) . . . . .	\$418,664,000
General Fund—State Appropriation (FY 2013) . . . . .	\$422,393,000
General Fund—Federal Appropriation . . . . .	\$726,897,000
General Fund—Private/Local Appropriation . . . . .	\$184,000
TOTAL APPROPRIATION . . . . .	\$1,568,138,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) Amounts appropriated in this subsection reflect a reduction to funds appropriated for in-home care. The department shall reduce the number of in-home hours authorized. The reduction shall be scaled based on the acuity level of care recipients. The largest hour reductions shall be to lower acuity patients and the smallest hour reductions shall be to higher acuity patients.

(c) Amounts appropriated in this subsection are sufficient to develop and implement the use of a consistent, statewide outcome-based vendor contract for

employment and day services by July 1, 2012. The rates paid to vendors under this contract shall also be made consistent. In its description of activities the agency shall include activity listings and dollars appropriated for: Employment services, day services, child development services and county administration of services to the developmentally disabled. The department shall begin reporting to the office of financial management on these activities beginning in fiscal year 2010.

(d) \$944,000 of the general fund—state appropriation for fiscal year 2012, \$944,000 of the general fund—state appropriation for fiscal year 2013, and \$1,888,000 of the general fund—federal appropriation are provided solely for state contributions for individual provider health care benefits. Pursuant to the collective bargaining agreement negotiated with the exclusive bargaining representative of individual providers established under RCW 74.39A.270, the state shall contribute to the multiemployer health benefits trust fund \$1.96 per paid hour worked by individual providers.

(e) \$1,871,000 of the general fund—state appropriation for fiscal year 2012, \$1,995,000 of the general fund—state appropriation for fiscal year 2013, and \$3,865,000 of the general fund—federal appropriation are provided solely for home care agencies to purchase health coverage for home care providers. The department shall calculate and distribute payments for health care benefits to home care agencies at \$558 per month for each worker who cares for publicly funded clients at 86 hours or more per month. In order to negotiate the most comprehensive health benefits package for its employees, each agency may determine benefit levels according to the hours an employee works providing state-funded personal care. Health benefits shall be offered to all employees who care for publicly funded clients for 86 hours per month or more. At a minimum, employees who care for publicly funded clients at 140 hours a month or greater must receive a comprehensive medical benefit. Benefits shall not be provided to employees who care for publicly funded clients at 85 hours or less per month or as interim respite workers. The department shall not pay an agency for benefits provided to an employee who otherwise receives health care coverage through other family members, other employment-based coverage, or military or veteran's coverage. The department shall require annually, each home care agency to review each of its employee's available health coverage and to provide a written declaration to the department verifying that health benefits purchased with public funds are solely for employees that do not have other available coverage. Home care agencies may determine a reasonable employee co-premium not to exceed 20 percent of the total benefit cost.

(f) \$1,127,000 of the general fund—state appropriation for fiscal year 2012, \$1,199,000 of the general fund—state appropriation for fiscal year 2013, and \$2,322,000 of the general fund—federal appropriation are provided solely for the state's contribution to the training partnership, as provided in RCW 74.39A.360, for instructional costs associated with the training of individual providers. House Bill No. 1548 and Senate Bill No. 5473 (long-term care worker requirements) make statutory changes to the increased training requirements and therefore the state shall contribute to the partnership \$0.17 per paid hour worked by all home care workers. This amount is pursuant to the collective bargaining agreement negotiated with the exclusive bargaining representative of individual providers established under RCW 74.39A.270.

Expenditures for the purposes specified in this subsection shall not exceed the amounts provided in this subsection.

(g)(i) Within the amounts appropriated in this subsection, the department shall revise the current working age adult policy to allow clients to choose between employment and community access activities. Clients age 21 and older who are receiving services through a home- and community-based medicaid waiver shall be offered the choice to transition to a community access program after nine months of enrollment in an employment program, and the option to transition from a community access program to an employment program at any time. The department shall inform clients and their legal representatives of all available options for employment and day services. Information provided to the client and the client's legal representative shall include the types of activities each service option provides, and the amount, scope, and duration of service for which the client would be eligible under each service option. An individual client may be authorized for only one service option, either employment services or community access services. Clients may not participate in more than one of these services at any given time.

(ii) The department shall work with counties and stakeholders to strengthen and expand the existing community access program. The program must emphasize support for the client so they are able to participate in activities that integrate them into their community and support independent living and skills.

(iii) The appropriation in this subsection includes funding to provide employment or community access services to 168 medicaid eligible young adults with developmental disabilities living with their families who need employment opportunities and assistance after high school graduation.

(h) \$75,000 of the general fund—state appropriation for fiscal year 2012 and \$75,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for the restoration of direct support to local organizations that utilize parent-to-parent networks and communication to promote access and quality of care for individuals with developmental disabilities and their families.

(i) In accordance with Engrossed Substitute House Bill No. 1277 (licensed settings for vulnerable adults), adult family home license fees are increased in fiscal years 2012 and 2013 to support the costs of conducting licensure, inspection, and regulatory programs.

(i) The current annual renewal license fee for adult family homes shall be increased to \$100 per bed beginning in fiscal year 2012 and \$175 per bed beginning in fiscal year 2013. Adult family homes shall receive a corresponding vendor rate increase per medicaid patient day of \$0.22 in fiscal year 2012 and \$0.43 in fiscal year 2013 to cover the cost of the license fee increase for publicly funded beds.

(ii) Beginning in fiscal year 2012, a processing fee of \$2,750 shall be charged to each adult family home when the home is initially licensed. This fee is nonrefundable.

***(j) The department shall assess and determine whether it would be cost-efficient for the state to exercise the option made available under section 1915(k) of the federal social security act (42 U.S.C. Sec. 1396n(k)). If the department determines that it would be cost-efficient for the state to exercise the federal option, it shall prepare a proposal to provide home- and community-based attendant services and supports that include assistance with***

*activities of daily living (ADL's), instrumental activities of daily living (IADL's), and health-related tasks pursuant to section 1915(k) of the federal social security act (42 U.S.C. Sec. 1396n(k)) and submit that plan to the legislature during the next legislative session.*

(k) Clients with developmental disabilities have demonstrated a need and a desire for a day services program as verified by over 900 clients currently accessing day programs through a long-term care service model. In addition, every individual, to include those with a developmental disability, should have the opportunity for meaningful employment which allows them to contribute to their communities and to become as self-sufficient as possible. Providing choice empowers recipients of publicly funded services and their families by expanding their degree of control over the services and supports they need.

The department shall work with legislators and stakeholders to develop a new approach to employment and day services. The objective of this plan is to ensure that adults with developmental disabilities have optimum choices, and that employment and day offerings are comprehensive enough to meet the needs of all clients currently served on a home and community based waiver. The proposal shall be submitted to the 2012 legislature for consideration and shall be constructed such that a client ultimately receives employment, community access, or the community day option but not more than one service at a time. The proposal shall include options for program efficiencies within the current employment and day structure and shall provide details on the plan to implement a consistent, statewide outcome-based vendor contract for employment and day services as specified in (c) of this subsection.

(2) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2012) . . . . .	\$80,256,000
General Fund—State Appropriation (FY 2013) . . . . .	\$79,288,000
General Fund—Federal Appropriation . . . . .	\$153,007,000
General Fund—Private/Local Appropriation . . . . .	\$22,043,000
TOTAL APPROPRIATION . . . . .	\$334,594,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) \$721,000 of the general fund—state appropriation for fiscal year 2012 and \$721,000 of the general fund—state appropriation for fiscal year 2013 are for the department to fulfill its contracts with the school districts under chapter 28A.190 RCW to provide transportation, building space, and other support services as are reasonably necessary to support the educational programs of students living in residential habilitation centers.

***(c) In addition to other reductions, the appropriations in this subsection reflect reductions targeted specifically to state government administrative costs. These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.***



*(d) No resident shall be moved from either Frances Haddon Morgan Center or Yakima Valley School unless and until the department has the appropriate and suitable community option and services available as specified in the client's individual habilitation plan.*

(3) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2012) . . . . .	\$1,383,000
General Fund—State Appropriation (FY 2013) . . . . .	\$1,376,000
General Fund—Federal Appropriation . . . . .	\$1,326,000
TOTAL APPROPRIATION . . . . .	\$4,085,000

(4) SPECIAL PROJECTS

General Fund—State Appropriation (FY 2012) . . . . .	\$4,659,000
General Fund—State Appropriation (FY 2013) . . . . .	\$4,659,000
General Fund—Federal Appropriation . . . . .	\$9,590,000
General Fund—Private/Local Appropriation . . . . .	\$998,000
TOTAL APPROPRIATION . . . . .	\$19,906,000

The appropriations in this subsection are subject to the following conditions and limitations:

Amounts appropriated in this subsection are for the purposes of transitioning clients with developmental disabilities into community settings. The department is authorized as needed to use these funds to either pay for clients residing within a residential habilitation center or for placements in the community. Pursuant to Second Substitute Senate Bill No. 5459 (services for people with developmental disabilities), funding in this subsection must be prioritized for the purpose of facilitating the consolidation and closure of Frances Haddon Morgan Center. The department shall use a person-centered approach in developing the discharge plan to assess each resident's needs and identify services the resident requires to successfully transition to the community or another residential habilitation center. The department is authorized to use any savings from this effort for the purpose of developing community resources to address the needs of clients with developmental disabilities who are in crisis or in need of respite. The department shall track the costs and savings of closing Frances Haddon Morgan Center and any investments into community placements and resources. The department shall provide a fiscal progress report to the legislature by December 5, 2011.

\*Sec. 205 was partially vetoed. See message at end of chapter.

**\*NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—AGING AND ADULT SERVICES PROGRAM**

General Fund—State Appropriation (FY 2012) . . . . .	\$783,305,000
General Fund—State Appropriation (FY 2013) . . . . .	\$811,670,000
General Fund—Federal Appropriation . . . . .	\$1,686,010,000
General Fund—Private/Local Appropriation . . . . .	\$27,517,000
Traumatic Brain Injury Account—State Appropriation . . . . .	\$3,388,000
Nursing Facility Quality Assurance Account—State Appropriation . . . . .	\$88,000,000
TOTAL APPROPRIATION . . . . .	\$3,399,890,000

The appropriations in this section are subject to the following conditions and limitations:

(1) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate shall not exceed \$170.37 for fiscal year 2012 and shall not exceed \$171.43 for fiscal year 2013, including the rate add-ons described in (a) and (b) of this subsection. However, if the waiver requested from the federal centers for medicare and medicaid services in relation to the safety net assessment created by Engrossed Substitute Senate Bill No. 5581 (nursing home payments) is for any reason not approved and implemented, the weighted average nursing facility payment rate shall not exceed \$159.87 for fiscal year 2012 and shall not exceed \$160.93 for fiscal year 2013. There will be no adjustments for economic trends and conditions in fiscal years 2012 and 2013. The economic trends and conditions factor or factors defined in the biennial appropriations act shall not be compounded with the economic trends and conditions factor or factors defined in any other biennial appropriations acts before applying it to the component rate allocations established in accordance with chapter 74.46 RCW. When no economic trends and conditions factor for either fiscal year is defined in a biennial appropriations act, no economic trends and conditions factor or factors defined in any earlier biennial appropriations act shall be applied solely or compounded to the component rate allocations established in accordance with chapter 74.46 RCW.

(a) Within the funds provided, the department shall continue to provide an add-on per medicaid resident day per facility not to exceed \$1.57. The add-on shall be used to increase wages, benefits, and/or staffing levels for certified nurse aides; or to increase wages and/or benefits for dietary aides, housekeepers, laundry aides, or any other category of worker whose statewide average dollars-per-hour wage was less than \$15 in calendar year 2008, according to cost report data. The add-on may also be used to address resulting wage compression for related job classes immediately affected by wage increases to low-wage workers. The department shall continue reporting requirements and a settlement process to ensure that the funds are spent according to this subsection.

(b) The department shall do a comparative analysis of the facility-based payment rates calculated on July 1, 2011, using the payment methodology defined in Engrossed Substitute Senate Bill No. 5581 (nursing home payments), to the facility-based payment rates in effect June 30, 2010. If the facility-based payment rate calculated on July 1, 2011, is smaller than the facility-based payment rate on June 30, 2010, then the difference shall be provided to the individual nursing facilities as an add-on payment per medicaid resident day.

(c) During the comparative analysis performed in subsection (b) of this section, if it is found that the direct care rate for any facility calculated using the payment methodology defined in Engrossed Substitute Senate Bill No. 5581 (nursing home payments) is greater than the direct care rate in effect on June 30, 2010, then the facility shall receive a ten percent direct care rate add-on to compensate that facility for taking on more acute clients than they have in the past.

(d) The department shall provide a medicaid rate add-on to reimburse the medicaid share of the skilled nursing facility safety net assessment as a medicaid allowable cost. The nursing facility safety net rate add-on may not be included

in the calculation of the annual statewide weighted average nursing facility payment rate.

(e) If the waiver requested from the federal centers for medicare and medicaid services in relation to the safety net assessment created by Engrossed Substitute Senate Bill No. 5581 (nursing home payments) is for any reason not approved and implemented, subsections (b), (c), and (d) of this subsection do not apply.

(2) After examining actual nursing facility cost information, the legislature finds that the medicaid nursing facility rates calculated pursuant to Engrossed Substitute Senate Bill No. 5581 (nursing home payments) provide sufficient reimbursement to efficiently and economically operating nursing facilities and bear a reasonable relationship to costs.

(3) In accordance with chapter 74.46 RCW, the department shall issue no additional certificates of capital authorization for fiscal year 2012 and no new certificates of capital authorization for fiscal year 2013 and shall grant no rate add-ons to payment rates for capital improvements not requiring a certificate of need and a certificate of capital authorization for fiscal years 2012 and 2013.

(4) The long-term care program may develop and pay enhanced rates for exceptional care to nursing homes for persons with traumatic brain injuries who are transitioning from hospital care. The cost per patient day for caring for these clients in a nursing home setting may be equal to or less than the cost of caring for these clients in a hospital setting.

(5) Amounts appropriated in this section reflect a reduction to funds appropriated for in-home care. The department shall reduce the number of in-home hours authorized. The reduction shall be scaled based on the acuity level of care recipients. The largest hour reductions shall be to lower acuity patients and the smallest hour reductions shall be to higher acuity patients.

(6) \$1,883,000 of the general fund—state appropriation for fiscal year 2012, \$1,883,000 of the general fund—state appropriation for fiscal year 2013, and \$3,766,000 of the general fund—federal appropriation are provided solely for state contributions for individual provider health care benefits. Pursuant to the collective bargaining agreement negotiated with the exclusive bargaining representative of individual providers established under RCW 74.39A.270, the state shall contribute to the multiemployer health benefits trust fund \$1.96 per paid hour worked by individual providers.

(7) \$16,835,000 of the general fund—state appropriation for fiscal year 2012, \$17,952,000 of the general fund—state appropriation for fiscal year 2013, and \$34,786,000 of the general fund—federal appropriation are provided solely for home care agencies to purchase health coverage for home care providers. The department shall calculate and distribute payments for health care benefits to home care agencies at \$558 per month for each worker who cares for publicly funded clients at 86 hours or more per month. In order to negotiate the most comprehensive health benefits package for its employees, each agency may determine benefit levels according to the hours an employee works providing state-funded personal care. Health benefits shall be offered to all employees who care for publicly funded clients for 86 hours per month or more. At a minimum, employees who care for publicly funded clients at 140 hours a month or greater must receive a comprehensive medical benefit. Benefits shall not be provided to employees who care for publicly funded clients at 85 hours or less

per month or as interim respite workers. The department shall not pay an agency for benefits provided to an employee who otherwise receives health care coverage through other family members, other employment-based coverage, or military or veteran's coverage. The department shall require annually, each home care agency to review each of its employee's available health coverage and to provide a written declaration to the department verifying that health benefits purchased with public funds are solely for employees that do not have other available coverage. Home care agencies may determine a reasonable employee co-premium not to exceed 20 percent of the total benefit cost.

(8) \$2,063,000 of the general fund—state appropriation for fiscal year 2012, \$2,195,000 of the general fund—state appropriation for fiscal year 2013, and \$4,260,000 of the general fund—federal appropriation are provided solely for the state's contribution to the training partnership, as provided in RCW 74.39A.360, for instructional costs associated with the training of individual providers. House Bill No. 1548 and Senate Bill No. 5473 (long-term care worker requirements) make statutory changes to the increased training requirements and therefore the state shall contribute to the partnership \$0.17 per paid hour worked by all home care workers. This amount is pursuant to the collective bargaining agreement negotiated with the exclusive bargaining representative of individual providers established under RCW 74.39A.270. Expenditures for the purposes specified in this subsection shall not exceed the amounts provided in this subsection.

(9) Individuals receiving services as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(10) The department shall eliminate the adult day health program under the state plan 1915(i) option and shall reestablish it under the long-term care home and community-based waiver.

(11) \$4,588,000 of the general fund—state appropriation for fiscal year 2012, \$4,559,000 of the general fund—state appropriation for fiscal year 2013, and \$9,237,000 of the general fund—federal appropriation are provided solely for the continued operation of community residential and support services for persons who are older adults or who have co-occurring medical and behavioral disorders and who have been discharged or diverted from a state psychiatric hospital. These funds shall be used to serve individuals whose treatment needs constitute substantial barriers to community placement, who no longer require active psychiatric treatment at an inpatient hospital level of care, and who no longer meet the criteria for inpatient involuntary commitment.

(12) \$1,840,000 of the general fund—state appropriation for fiscal year 2012 and \$1,877,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for operation of the volunteer services program. Funding shall be prioritized towards serving populations traditionally served by long-term care services to include senior citizens and persons with disabilities.

(13) In accordance with Engrossed Substitute House Bill No. 1277 (licensed settings for vulnerable adults), nursing facility fees are increased in fiscal year 2012 and adult family home fees are increased in fiscal year 2012 and fiscal year 2013 to support the costs of conducting licensure, inspection, and regulatory programs.

(a) The current annual renewal license fee for nursing facilities shall be increased to \$359 per bed beginning in fiscal year 2012 and assumes \$517,000 of the general fund—private/local appropriation. Nursing facilities shall receive a vendor rate increase of \$0.08 per medicaid patient day to cover the license fee increase for publicly funded beds.

(b) The current annual renewal license fee for adult family homes shall be increased to \$100 per bed beginning in fiscal year 2012 and assumes \$1,449,000 of the general fund—private/local appropriation; and \$175 per bed beginning in fiscal year 2013 and assumes \$2,463,000 of the general fund—private/local appropriation. Adult family homes shall receive a corresponding vendor rate increase per medicaid patient day of \$0.22 in fiscal year 2012 and \$0.43 in fiscal year 2013 to cover the license fee increase for publicly funded beds.

(c) Beginning in fiscal year 2012, a processing fee of \$2,750 shall be charged to each adult family home when the home is initially licensed. This fee is nonrefundable.

(d) \$72,000 of the general fund—state appropriation for fiscal year 2012, \$708,000 of the general fund—private/local appropriation and \$708,000 of the general fund—federal appropriation are provided solely to implement sections 501 through 503 of Engrossed Substitute House Bill No. 1277 (licensed settings for vulnerable adults). The department shall use additional investigative resources to address complaints about provider practices as well as alleged abuse, neglect, abandonment, and exploitation of residents in adult family homes. The department shall develop a statewide internal quality review and accountability program to improve the accountability of staff and the consistent application of investigative activities, and shall convene a quality assurance panel to review problems in the quality of care in adult family homes.

(14) \$3,316,000 of the traumatic brain injury account—state appropriation is provided solely to continue services for persons with traumatic brain injury (TBI) as defined in chapter 143, Laws of 2011 (traumatic brain injury strategic partnership).

(15) The department is authorized to place long-term care clients residing in nursing homes and paid for with state only funds into less restrictive community care settings while continuing to meet the client's care needs.

***(16) \$30,000 of the general fund—state appropriation for fiscal year 2012 and \$30,000 of the general fund—federal appropriation are provided solely to implement Engrossed Second Substitute House Bill No. 1901 (reshaping the delivery of long-term care services). If the bill is not enacted by June 30, 2011, the amounts provided in this subsection shall lapse.***

***(17) The department shall assess and determine whether it would be cost-efficient for the state to exercise the option made available under section 1915(k) of the federal social security act (42 U.S.C. Sec. 1396n(k)). If the department determines that it would be cost efficient for the state to exercise the federal option, it shall prepare a proposal to provide home- and community-based attendant services and supports that include assistance with activities of daily living (ADL's), instrumental activities of daily living (IADL's), and health-related tasks pursuant to section 1915(k) of the federal social security act (42 U.S.C. Sec. 1396n(k)) and submit that plan to the legislature during the subsequent legislative session.***

\*Sec. 206 was partially vetoed. See message at end of chapter.

**\*NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ECONOMIC SERVICES PROGRAM**

General Fund—State Appropriation (FY 2012) . . . . .	\$506,611,000
General Fund—State Appropriation (FY 2013) . . . . .	\$500,003,000
General Fund—Federal Appropriation . . . . .	\$1,115,799,000
General Fund—Private/Local Appropriation . . . . .	\$30,592,000
TOTAL APPROPRIATION . . . . .	\$2,153,005,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$297,623,000 of the general fund—state appropriation for fiscal year 2012, \$297,623,000 of the general fund—state appropriation for fiscal year 2013, and \$672,443,000 of the general fund—federal appropriation are provided solely for all components of the WorkFirst program. Under section 2 of Engrossed Substitute Senate Bill No. 5921 (social services programs), the amounts in this subsection assume that any participant in the temporary assistance for needy families where their participation is suspended and does not volunteer to participate in WorkFirst services or unsubsidized employment does not receive child care subsidies or WorkFirst subsidies as a condition of the suspension. Within the amounts provided for the WorkFirst program, the department may provide assistance using state-only funds for families eligible for temporary assistance for needy families.

(a) Within the amounts provided for WorkFirst in this subsection, the department shall continue to implement WorkFirst program improvements that are designed to achieve progress against outcome measures specified in RCW 74.08A.410.

(b) The department may establish a career services work transition program.

(c) Within the amounts provided in this subsection, \$1,414,000 of the general fund—state appropriation for fiscal year 2012 and \$5,150,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for the implementation and administration of the electronic benefit transfer system under section 12 of Engrossed Substitute Senate Bill No. 5921 (social services programs). The department shall transfer these amounts to the department of early learning for the implementation and administration of the project.

(d) Within amounts appropriated in this section, the legislature expressly mandates that the department exercise its authority, granted in 1997 under RCW 74.08A.290, to contract for work activities services pursuant to that statutory authority and RCW 41.06.142(3).

(e) The department shall create a temporary assistance for needy families budget structure that allows for more transparent tracking of budget units and subunits of expenditures where these units and subunits are mutually exclusive from other department budget units. The budget structure shall include budget units for the following: Grants, child care, WorkFirst activities, and administration of the program.

(2)(a) \$11,825,000 of the general fund—federal appropriation is provided solely for a contingency reserve in the event the temporary assistance for needy families cash benefit is projected to exceed forecasted amounts by more than one percent. The department shall only expend an amount equal to the forecasted over-expenditure. For purposes of this subsection, the temporary assistance

forecast shall be completed every quarter and follow a similar schedule of the caseload forecast council forecasts.

(b) If sufficient savings in subsection (1) of this section are achieved, the department of early learning shall increase the number of child care slots available for the working connections child care program.

(3) \$31,960,000 of the general fund—state appropriation for fiscal year 2012, in addition to supplemental security income recoveries, is provided solely for financial assistance and other services to recipients in the program established in section 4, chapter 8, Laws of 2010 1st sp. sess., until the program terminates on October 31, 2011.

(4)(a) \$11,690,000 of the general fund—state appropriation for fiscal year 2012 and \$21,494,000 of the general fund—state appropriation for fiscal year 2013, in addition to supplemental security income recoveries, are provided solely for the programs created in Engrossed Substitute House Bill No. 2082 (essential needs and assistance program) beginning November 1, 2011.

(b) The department shall review clients receiving services through the aged, blind, or disabled assistance program, to determine whether they would benefit from assistance in becoming naturalized citizens, and thus be eligible to receive federal supplemental security income benefits. Those cases shall be given high priority for naturalization funding through the department.

(c) The department shall continue the interagency agreement with the department of veterans' affairs to establish a process for referral of veterans who may be eligible for veterans' services. This agreement must include out-stationing department of veterans' affairs staff in selected community service office locations in King and Pierce counties to facilitate applications for veterans' services.

(5) \$1,657,000 of the general fund—state appropriation for fiscal year 2012 and \$1,657,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for naturalization services.

(6) \$2,366,000 of the general fund—state appropriation for fiscal year 2012 is provided solely for refugee employment services, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee assistance organizations for limited English proficiency pathway services; and \$2,366,000 of the general fund—state appropriation for fiscal year 2013 is provided solely for refugee employment services, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee assistance organizations for limited English proficiency pathway services.

(7) On December 1, 2011, and annually thereafter, the department must report to the legislature on all sources of funding available for both refugee and immigrant services and naturalization services during the current fiscal year and the amounts expended to date by service type and funding source. The report must also include the number of clients served and outcome data for the clients.

(8) To ensure expenditures remain within available funds appropriated in this section, the legislature establishes the benefit under the state food assistance program, pursuant to RCW 74.08A.120, to be fifty percent of the federal supplemental nutrition assistance program benefit amount.

***(9) The appropriations in this section reflect reductions in the appropriations for the economic services administration's administrative expenses. It is the intent of the legislature that these reductions shall be***

*achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or program.*

\*Sec. 207 was partially vetoed. See message at end of chapter.

**NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ALCOHOL AND SUBSTANCE ABUSE PROGRAM**

General Fund—State Appropriation (FY 2012) . . . . .	\$75,785,000
General Fund—State Appropriation (FY 2013) . . . . .	\$75,924,000
General Fund—Federal Appropriation . . . . .	\$141,516,000
General Fund—Private/Local Appropriation . . . . .	\$2,086,000
Criminal Justice Treatment Account—State Appropriation . . . . .	\$17,748,000
Problem Gambling Account—State Appropriation . . . . .	\$1,448,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$314,507,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Within the amounts appropriated in this section, the department may contract with the University of Washington and community-based providers for the provision of the parent-child assistance program. For all contractors, indirect charges for administering the program shall not exceed ten percent of the total contract amount.

(2) Within the amounts appropriated in this section, the department shall continue to provide for chemical dependency treatment services for adult medicaid eligible, pregnant and parenting women, disability lifeline, and alcoholism and drug addiction treatment and support act, and medical care services clients.

(3) In accordance with RCW 70.96A.090 and 43.135.055, the department is authorized to increase fees for the review and approval of treatment programs in fiscal years 2012 and 2013 as necessary to support the costs of the regulatory program. The department's fee schedule shall have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower cost of licensing for these programs than for other organizations which are not accredited.

(4) \$3,500,000 of the general fund—federal appropriation (from the substance abuse prevention and treatment federal block grant) is provided solely for the continued funding of existing county drug and alcohol use prevention programs.

**\*NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—VOCATIONAL REHABILITATION PROGRAM**

General Fund—State Appropriation (FY 2012) . . . . .	\$10,852,000
General Fund—State Appropriation (FY 2013) . . . . .	\$10,861,000
General Fund—Federal Appropriation . . . . .	\$102,622,000



Telecommunications Devices for the Hearing and Speech Impaired—State Appropriation . . . . .	\$2,766,000
TOTAL APPROPRIATION . . . . .	\$127,101,000

The appropriations in this section are subject to the following conditions and limitations:

(1) *The vocational rehabilitation program shall coordinate closely with the economic services program to serve lifeline clients under chapter 8, Laws of 2010 1st sp. sess. who are referred for eligibility determination and vocational rehabilitation services, and shall make every effort, within the requirements of the federal rehabilitation act of 1973, to serve these clients.*

(2) \$480,000 of the telecommunications devices for the hearing and speech impaired account—state appropriation is provided solely for the office of deaf and hard of hearing to contract for services that provide employment support and help with life activities for deaf-blind individuals in King county.

\*Sec. 209 was partially vetoed. See message at end of chapter.

**NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—SPECIAL COMMITMENT PROGRAM**

General Fund—State Appropriation (FY 2012) . . . . .	\$47,779,000
General Fund—State Appropriation (FY 2013) . . . . .	\$47,609,000
TOTAL APPROPRIATION . . . . .	\$95,388,000

**NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund—State Appropriation (FY 2012) . . . . .	\$25,698,000
General Fund—State Appropriation (FY 2013) . . . . .	\$23,960,000
General Fund—Federal Appropriation . . . . .	\$38,917,000
General Fund—Private/Local Appropriation . . . . .	\$2,116,000
Performance Audits of State Government—State Appropriation . . . . .	\$4,812,000
TOTAL APPROPRIATION . . . . .	\$95,503,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$300,000 of the general fund—state appropriation for fiscal year 2012 and \$300,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for the Washington state mentors program to continue its public-private partnerships to provide technical assistance and training to mentoring programs that serve at-risk youth.

(2) \$445,000 of the general fund—state appropriation for fiscal year 2012 and \$445,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for funding of the teamchild project.

(3) \$178,000 of the general fund—state appropriation for fiscal year 2012 and \$178,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for the juvenile detention alternatives initiative.

(4) \$4,812,000 of the performance audits of state government—state appropriation is provided solely for support and expansion of the division of fraud investigation. The division shall conduct investigatory and enforcement

activities for all department programs, including the child support and TANF programs.

(5) \$1,400,000 of the general fund—state appropriation for fiscal year 2012 is provided solely for the department to distribute as support to community public health and safety networks that have a history of providing training and services related to adverse childhood experiences. Distribution of these funds is contingent upon securing funding from a private entity or entities to provide one dollar in matching funds for each dollar in state funds received by a network so that the funding received by a community public health and safety network will be equal portions of state and private funding.

**NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—PAYMENTS TO OTHER AGENCIES PROGRAM**

General Fund—State Appropriation (FY 2012) . . . . .	\$66,410,000
General Fund—State Appropriation (FY 2013) . . . . .	\$63,304,000
General Fund—Federal Appropriation . . . . .	\$60,313,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$190,027,000</b>

The appropriations in this section are subject to the following conditions and limitations: \$469,000 of the general fund—state appropriation for fiscal year 2011 [2012] and \$270,000 of the general fund—state appropriation for fiscal year 2012 [2013] are provided solely for implementation of Engrossed Substitute Senate Bill No. 5921 (social services programs). If the bill is not enacted by June 30, 2011, the amounts provided in this subsection shall lapse.

**\*NEW SECTION. Sec. 213. FOR THE STATE HEALTH CARE AUTHORITY**

General Fund—State Appropriation (FY 2012) . . . . .	\$2,195,580,000
General Fund—State Appropriation (FY 2013) . . . . .	\$2,263,679,000
General Fund—Federal Appropriation . . . . .	\$5,608,085,000
General Fund—Private/Local Appropriation . . . . .	\$60,277,000
Emergency Medical Services and Trauma Care Systems	
Trust Account—State Appropriation . . . . .	\$15,077,000
Hospital Safety Net Assessment Fund—State	
Appropriation . . . . .	\$404,438,000
State Health Care Authority Administration Account—	
State Appropriation . . . . .	\$34,476,000
<b>Medicaid Fraud Penalty Account—State Appropriation . . . . .</b>	<b>\$17,039,000</b>
Basic Health Plan Stabilization Account—	
State Appropriation . . . . .	\$44,000,000
Medical Aid Account—State Appropriation . . . . .	\$529,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$10,643,180,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Within amounts appropriated in this section and sections 205 and 206 of this act, the health care authority shall continue to provide an enhanced basic health plan subsidy for foster parents licensed under chapter 74.15 RCW and workers in state-funded home care programs. Under this enhanced subsidy option, foster parents eligible to participate in the basic health plan as subsidized

enrollees and home care workers with family incomes below 200 percent of the federal poverty level shall be allowed to enroll in the basic health plan at the minimum premium amount charged to enrollees with incomes below sixty-five percent of the federal poverty level.

(2) The health care authority shall require organizations and individuals that are paid to deliver basic health plan services and that choose to sponsor enrollment in the subsidized basic health plan to pay 133 percent of the premium amount which would otherwise be due from the sponsored enrollees.

(3)(a) \$1,200,000 of the general fund—state appropriation for fiscal year 2012 is provided solely to plan the implementation of a system of consolidated public school employee health benefits purchasing.

It is the intent of the legislature to improve the administration, transparency, and equity in delivering a K-12 employees' health benefits system. In addition, the legislature intends that any cost savings that result from changes to K-12 health benefits be dedicated to public schools.

To further this legislative intent, the state health care authority shall develop a plan to implement a consolidated health benefits' system for K-12 employees for the 2013-14 school year. The health care authority shall deliver a report to the legislature by December 15, 2011, that sets forth the implementation plan to the ways and means committees of the house of representatives and the senate.

(b) The report prepared by the health care authority shall compare and contrast the costs and benefits, both long and short term, of:

(i) The current K-12 health benefits system;

(ii) A new K-12 employee benefits pool; and

(iii) Enrolling K-12 employees into the health benefits pool for state employees.

(c) In addition to the implementation plan, the report shall include the following information:

(i) The costs and benefits of the current K-12 health benefits system;

(ii) The costs and benefits of providing a new statewide K-12 employees' health benefits pool to school districts and school employees;

(iii) The costs and benefits of enrolling K-12 employees into the existing health benefits pool for state employees;

(iv) Recommendations of ways to limit administrative duplication and costs, improve transparency to employees, the legislature, and the public and assure equity among beneficiaries of publicly provided employee health benefits;

(v) Recommendations for standardizing benefit packages and purchasing efforts in a manner that seeks to maximize funding and equity for all school employees;

(vi) Recommendations regarding the use of incentives, including how changes to state health benefit allocations could provide employees with benefits that would encourage participation;

(vii) Recommendations regarding the implementation of a new K-12 employee benefit plan, with separate options for voluntary participation and mandatory statewide participation;

(viii) Recommendations regarding methods to reduce inequities between individual and family coverage;

(ix) Consolidation of the purchasing and budget accountability for school employee benefits to maximize administrative efficiency and leverage existing skills and resources; and

(x) Other details the health care authority deems necessary, including but not limited to recommendations on the following:

(A) Approaches for implementing the transition to a statewide pool, including administrative and statutory changes necessary to ensure a successful transition, and whether the pool should be separate from, or combined with, the public employees' benefits pool;

(B) The structure of a permanent governing group to provide ongoing oversight to the consolidated pool, in a manner similar to the public employees benefits board functions for employee health benefits, including statutory duties and authorities of the board; and

(C) Options for including potential changes to: Eligibility standardization, the public employees benefits risk pools, the movement of school employee retirees into the new K-12 pool or pools, and the movement of educational service district employees into the new K-12 pool or pools.

(d) In determining its costs and benefits of a new statewide K-12 employees' health benefits pool for school districts and school employees, the health care authority shall assume the following:

(i) School district enrollees must constitute an entire bargaining unit, or an entire group of nonrepresented employees;

(ii) Staffing and administration for benefits purchasing shall be provided by the health care authority; and

(iii) The new K-12 pool would operate on a schedule that coordinates with the financing and enrollment schedule used for school districts.

(e) The office of the superintendent of public instruction and the office of the insurance commissioner shall provide information and technical assistance to the health care authority as requested by the health care authority. The health care authority shall not implement the new school employee benefits pool until authorized to do so by the legislature.

(4) The administrator shall take at least the following actions to assure that persons participating in the basic health plan are eligible for the level of assistance they receive: (a) Require submission of (i) income tax returns, and recent pay history, from all applicants, or (ii) other verifiable evidence of earned and unearned income from those persons not required to file income tax returns; (b) check employment security payroll records at least once every twelve months on all enrollees; (c) require enrollees whose income as indicated by payroll records exceeds that upon which their subsidy is based to document their current income as a condition of continued eligibility; (d) require enrollees for whom employment security payroll records cannot be obtained to document their current income at least once every six months; (e) not reduce gross family income for self-employed persons by noncash-flow expenses such as, but not limited to, depreciation, amortization, and home office deductions, as defined by the United States internal revenue service; and (f) pursue repayment and civil penalties from persons who have received excessive subsidies, as provided in RCW 70.47.060(9).

(5) Enrollment in the subsidized basic health plan shall be limited to only include persons who qualify as subsidized enrollees as defined in RCW

70.47.020 and who (a) qualify for services under 1115 medicaid demonstration project number 11-W-00254/10; or (b) are foster parents licensed under chapter 74.15 RCW.

(6) \$23,700,000 of the general fund—federal appropriation is provided solely for planning and implementation of a health benefit exchange under the federal patient protection and affordable care act. Within the amounts provided in this subsection, funds used by the authority for information technology projects are conditioned on the authority satisfying the requirements of Engrossed Second Substitute Senate Bill No. 5931 (central service agencies).

(7) Based on quarterly expenditure reports and caseload forecasts, if the health care authority estimates that expenditures for the medical assistance program will exceed the appropriations, the health care authority shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

(8) In determining financial eligibility for medicaid-funded services, the health care authority is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(9) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(10) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the health care authority shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

(11) \$4,261,000 of the general fund—state appropriation for fiscal year 2012, \$4,261,000 of the general fund—state appropriation for fiscal year 2013, and \$8,522,000 of the general fund—federal appropriation are provided solely for low-income disproportionate share hospital payments under RCW 74.09.730(1)(a).

(12) \$5,905,000 of the general fund—state appropriation for fiscal year 2012, \$5,905,000 of the general fund—state appropriation for fiscal year 2013, and \$11,810,000 of the general fund—federal appropriation are provided solely for nonrural indigent assistance disproportionate share hospital payments in accordance with RCW 74.09.730(1).

(13) \$665,000 of the general fund—state appropriation for fiscal year 2012, \$665,000 of the general fund—state appropriation for fiscal year 2013, and \$1,330,000 of the general fund—federal appropriation are provided solely for small rural indigent assistance disproportionate share hospital payments in accordance with RCW 74.09.730(1).

(14) \$6,000,000 of the general fund—federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate-setting and settlement against payments under chapter 74.46

RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments. The supplemental payments are subject to retrospective interim and final cost settlements based on the nursing homes' as-filed and final medicare cost reports. The timing of the interim and final cost settlements shall be at the health care authority's discretion. During either the interim cost settlement or the final cost settlement, the health care authority shall recoup from the public hospital districts the supplemental payments that exceed the medicaid cost limit and/or the medicare upper payment limit. The health care authority shall apply federal rules for identifying the eligible incurred medicaid costs and the medicare upper payment limit.

(15) The health care authority shall continue the inpatient hospital certified public expenditures program for the 2011-2013 fiscal biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. The health care authority shall submit reports to the governor and legislature by November 1, 2011, and by November 1, 2012, that evaluate whether savings continue to exceed costs for this program. If the certified public expenditures (CPE) program in its current form is no longer cost-effective to maintain, the health care authority shall submit a report to the governor and legislature detailing cost-effective alternative uses of local, state, and federal resources as a replacement for this program. During fiscal year 2012 and fiscal year 2013, hospitals in the program shall be paid and shall retain one hundred percent of the federal portion of the allowable hospital cost for each medicaid inpatient fee-for-service claim payable by medical assistance and one hundred percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. Inpatient medicaid payments shall be established using an allowable methodology that approximates the cost of claims submitted by the hospitals. Payments made to each hospital in the program in each fiscal year of the biennium shall be compared to a baseline amount. The baseline amount will be determined by the total of (a) the inpatient claim payment amounts that would have been paid during the fiscal year had the hospital not been in the CPE program based on the reimbursement rates developed, implemented, and consistent with policies approved in the 2011-13 biennial operating appropriations act and in effect on July 1, 2011, (b) one half of the indigent assistance disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005, and (c) all of the other disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005 to the extent the same disproportionate share hospital programs exist in the 2011-13 biennium. If payments during the fiscal year exceed the hospital's baseline amount, no additional payments will be made to the hospital except the federal portion of allowable disproportionate share hospital payments for which the hospital can certify allowable match. If payments during the fiscal year are less than the baseline amount, the hospital will be paid a state grant equal to the difference between payments during the fiscal year and the applicable baseline amount. Payment of the state grant shall be made in the applicable fiscal year and distributed in monthly payments. The grants will be recalculated and redistributed as the baseline is updated during the fiscal year. The grant payments are subject to an interim settlement within

eleven months after the end of the fiscal year. A final settlement shall be performed. To the extent that either settlement determines that a hospital has received funds in excess of what it would have received as described in this subsection, the hospital must repay the excess amounts to the state when requested. \$32,673,000 of the general fund—state appropriation for fiscal year 2012, of which \$6,570,000 is appropriated in section 204(1) of this act, and \$29,693,000 of the general fund—state appropriation for fiscal year 2013, of which \$6,570,000 is appropriated in section 204(1) of this act, are provided solely for state grants for the participating hospitals. CPE hospitals will receive the inpatient and outpatient reimbursement rate restorations in RCW 74.60.080 and rate increases in RCW 74.60.090 funded through the hospital safety net assessment fund rather than through the baseline mechanism specified in this subsection.

***(16) The contract with the managed care plan to provide services for disability lifeline clients shall be designed to incentivize care in the most appropriate setting, including maximizing primary care-based services and optimizing appropriate hospital utilization and savings. The health care authority may include shared savings or other risk sharing arrangements in the contract with the managed care plan in order to incentivize aggressive management of hospital services, including prior authorization, concurrent review, and discharge planning. In determining the allocation of shared savings, the health care authority shall consider the appropriate balance between incentivizing aggressive management of hospital services by the managed care plan and realizing budgetary savings from the state's investment in the inclusion of care management and mental health services in the managed care contract.***

***(17) The health care authority shall evaluate the impact of the use of a managed care delivery and financing system on state costs and outcomes for lifeline medical clients. Outcomes measured shall include state costs, utilization, changes in mental health status and symptoms, and involvement in the criminal justice system.***

(18) The health care authority shall seek public-private partnerships and federal funds that are or may become available to provide on-going support for outreach and education efforts under the federal children's health insurance program reauthorization act of 2009.

(19) The health care authority shall target funding for maternity support services towards pregnant women with factors that lead to higher rates of poor birth outcomes, including hypertension, a preterm or low birth weight birth in the most recent previous birth, a cognitive deficit or developmental disability, substance abuse, severe mental illness, unhealthy weight or failure to gain weight, tobacco use, or African American or Native American race. The health care authority shall prioritize evidence-based practices for delivery of maternity support services. To the extent practicable, the health care authority shall develop a mechanism to increase federal funding for maternity support services by leveraging local public funding for those services.

(20) For children with family incomes above 200 percent of the federal poverty level in the state-funded children's health program for children who are not eligible for coverage under the federally funded children's health insurance program, premiums shall be set every two years in an amount equal to the

average state-only share of the per capita cost of coverage in the state-funded children's health program for children in families with incomes at or less than two hundred percent of the federal poverty level.

(21) \$704,000 of the general fund—state appropriation for fiscal year 2012, \$726,000 of the general fund—state appropriation for fiscal year 2013, and \$1,431,000 of the general fund—federal appropriation are provided solely for disproportionate share hospital payments to hospitals that provide services to children in the children's health program who are not eligible for services under Title XIX or XXI of the federal social security act due to their citizenship status.

(22) \$998,000 of the general fund—state appropriation for fiscal year 2012, \$979,000 of the general fund—state appropriation for fiscal year 2013, and \$1,980,000 of the general fund—federal appropriation are provided solely to increase prior authorization activities for advanced imaging procedures.

(23) \$249,000 of the general fund—state appropriation for fiscal year 2012, \$246,000 of the general fund—state appropriation for fiscal year 2013, and \$495,000 of the general fund—federal appropriation are provided solely to increase prior authorization activities for surgical procedures, which may include orthopedic procedures, spinal procedures and interventions, and nerve procedures.

(24) \$300,000 of the general fund—private/local appropriation and \$300,000 of the general fund—federal appropriation are provided solely for a prescriptive practices improvement collaborative focusing upon atypical antipsychotics and other medications commonly used in the treatment of severe and persistent mental illnesses among adults. The project shall promote collaboration among community mental health centers, other major prescribers of atypical antipsychotic medications to adults enrolled in state medical assistance programs, and psychiatrists, pharmacists, and other specialists at the University of Washington department of psychiatry and/or other research universities. The collaboration shall include patient-specific prescriber consultations by psychiatrists and pharmacists specializing in treatment of severe and persistent mental illnesses among adults; production of profiles to assist prescribers and clinics in tracking their prescriptive practices and their patients' medication use and adherence relative to evidence-based practices guidelines, other prescribers, and patients at other clinics; and in-service seminars at which participants can share and increase their knowledge of evidence-based and other effective prescriptive practices. The health care authority shall enter into an interagency agreement with the office of the attorney general for expenditure of \$300,000 of the state's proceeds of the *cy pres* settlement in *State of Washington v. AstraZeneca (Seroquel)* for this purpose.

(25) \$570,000 of the general fund—private/local appropriation is provided solely for continued operation of the partnership access line for child mental health consultations. The health care authority shall enter into an interagency agreement with the office of the attorney general for expenditure of \$570,000 of the state's proceeds of the *cy pres* settlement in *State of Washington v. AstraZeneca (Seroquel)* for this purpose.

(26) \$80,000 of the general fund—state appropriation for fiscal year 2012, \$80,000 of the general fund—state appropriation for fiscal year 2013, and \$160,000 of the general fund—federal appropriation are provided solely to fund



the Tacoma-Pierce county health department for access and outreach activities to reduce infant mortality.

(27) \$75,000 of the general fund—state appropriation for fiscal year 2012, \$75,000 of the general fund—state appropriation for fiscal year 2013, and \$150,000 of the general fund—federal appropriation are provided solely to assist with development and implementation of evidence-based strategies regarding the appropriate, safe, and effective role of C-section surgeries and early induced labor in births and neonatal care. The strategies shall be identified and implemented in consultation with clinical research specialists, physicians, hospitals, advanced registered nurse practitioners, and organizations concerned with maternal and child health.

(28) \$4,126,000 of the general fund—state appropriation for fiscal year 2012, \$4,268,000 of the general fund—state appropriation for fiscal year 2013, \$11,816,000 of the general fund—private/local appropriation, and \$20,207,000 of the general fund—federal appropriation are provided solely for continued provision of school-based medical services by means of an intergovernmental transfer arrangement. Under the arrangement, the state shall provide forty percent and school districts sixty percent of the nonfederal matching funds required for receipt of federal medicaid funding for the service.

(29) \$263,000 of the general fund—state appropriation for fiscal year 2012, \$88,000 of the general fund—state appropriation for fiscal year 2013, and \$351,000 of the general fund—federal appropriation are provided solely for development and submission to the federal government by October 1, 2011, of a demonstration project proposal as provided in Substitute Senate Bill No. 5596 (medicaid demonstration waiver).

(30) \$19,000 of the general fund—state appropriation for fiscal year 2012, \$17,000 of the general fund—state appropriation for fiscal year 2013, and \$34,000 of the general fund—federal appropriation are provided solely to support a partnership among the department of social and health services, the department of health, and agencies that deliver medical care and behavioral health services in Cowlitz county. The partnership shall identify and recommend strategies for resolving regulatory, licensing, data management, reporting, and funding barriers to more effective integration of primary medical and behavioral health care services in the county.

(31) \$4,761,000 of the general fund—state appropriation for fiscal year 2012, \$4,066,000 of the general fund—state appropriation for fiscal year 2013, and \$10,902,000 of the general fund—federal appropriation are provided solely for spoken-language interpreter services. The authority shall develop and implement a new model for delivery of such services no later than January 1, 2012. The model shall include:

(a) Development by the authority in consultation with subject-area experts of guidelines to assist medical practitioners identify the circumstances under which it is appropriate to use telephonic or video-remote interpreting;

(b) The requirement that the state contract with delivery organizations, including foreign language agencies, who employ or subcontract only with language access providers or interpreters working in the state who are certified or authorized by the state. When a state-certified or state-authorized in-state language access provider or interpreter is not available, the delivery organization, including foreign language agencies, may use a provider with other

certifications or qualifications deemed to meet state standards, including interpreters in other states; and

(c) Provision of a secure, web-based tool that medical practitioners will use to schedule appointments for interpreter services and to identify the most appropriate, cost-effective method of service delivery in accordance with the state guidelines.

Nothing in this subsection affects the ability of health care providers to provide interpretive services through employed staff or through telephone and video remote technologies when not reimbursed directly by the department. The amounts in this subsection do not include federal administrative funds provided to match nonstate expenditures by local health jurisdictions and governmental hospitals.

(32) In its procurement of contractors for delivery of medical managed care services for nondisabled, nonelderly persons, the medical assistance program shall (a) place substantial emphasis upon price competition in the selection of successful bidders; and (b) not require delivery of any services that would increase the actuarial cost of service beyond the levels included in current healthy options contracts.

(33) \$1,430,000 of the general fund—state appropriation for fiscal year 2012, \$1,430,000 of the general fund—state appropriation for fiscal year 2013, and \$2,860,000 of the general fund—federal appropriation are provided solely to pay federally-designated rural health clinics their standard encounter rate for prenatal and well-child visits, whether delivered under a managed care contract or fee-for-service. In reconciling managed care enhancement payments for calendar years 2009 and 2010, the department shall treat well-child and prenatal care visits as encounters subject to the clinic's encounter rate.

***(34) The medical assistance program shall continue to purchase power wheelchairs for all nursing home residents for whom they are determined to be medically necessary, and shall not limit such purchases to only those residents who are in school or employed.***

(35) \$280,000 of the general fund—state appropriation for fiscal year 2012 and \$282,000 of the general fund—federal appropriation are provided solely to increase utilization management of drugs and drug classes for which there is evidence of over-utilization, off-label use, excessive dosing, duplicative therapy, or opportunities to shift utilization to less expensive, equally effective formulations.

(36) \$70,000 of the general fund—state appropriation for fiscal year 2012, \$70,000 of the general fund—state appropriation for fiscal year 2013, and \$140,000 of the general fund—federal appropriation are provided solely to continue operation by a nonprofit organization of a toll-free hotline that assists families to learn about and enroll in the apple health for kids program.

(37) \$400,000 of the general fund—state appropriation for fiscal year 2012 and \$400,000 of the general fund—state appropriation for fiscal year 2013 is provided solely for the local outreach, case management, and coordination with dental providers needed to execute the access to baby and child dentistry program, which provides dental care to Medicaid eligible children up to age six.

***(38) Payments to federally qualified health centers and rural health clinics shall be made under an alternative payment methodology, consistent with the requirements of 42 U.S.C. Sec. 1396a(bb). Encounter rates for clinics***

*whose rates were rebased in 2010 shall be their allowed cost per visit during the cost report year, as determined by the authority, inflated each calendar year by the cumulative percentage increase in the medicare economic index since the cost report year. Encounter rates for clinics that did not rebase in 2010 shall be their prospective payment system rate from 2001, or from a subsequent year to the extent that the 2001 rate was updated to account for addition of a new clinic or type of service, inflated by the cumulative percentage increase in the global insight Washington health care inflator through calendar year 2007, and by the cumulative increase in the medicare economic index from 2007 through 2011 (for the first six months of fiscal year 2012) and through 2012 (for that calendar year). Effective January 2013, encounter rates for clinics whose rates were not rebased in 2010 shall be their allowed cost per visit during cost report year 2010, inflated forward by the cumulative increase in the medicare economic index from that year to 2013.*

(39) \$1,555,000 of the general fund—state appropriation for fiscal year 2012, \$1,580,000 of the general fund—state appropriation for fiscal year 2013, and \$2,171,000 of the general fund—federal appropriation are provided solely to continue to provide dental services to pregnant women. Services shall include preventive, routine, and emergent dental care.

(40) \$395,000 of the general fund—state appropriation for fiscal year 2012, \$395,000 of the general fund—state appropriation for fiscal year 2013, and \$790,000 of the general fund—federal appropriation are provided solely for continued operation of the dental education in care of persons with disabilities (DECOD) program at the University of Washington.

(41) \$112,000 of the general fund—state appropriation for fiscal year 2012, \$112,000 of the general fund—state appropriation for fiscal year 2013, and \$1,928,000 of the general fund—federal appropriation are provided solely for the provider incentive program and other initiatives related to the health information technology Medicaid plan.

(42) \$1,373,000 of the general fund—state appropriation for fiscal year 2012, \$2,105,000 of the medicaid fraud penalty account—state appropriation, and \$3,701,000 of the general fund—federal appropriation are provided solely for efforts to reduce Medicaid fraud and abuse and to seek coverage or recovery from other medical payers.

(43) \$2,926,000 of the general fund—local appropriation and \$2,928,000 of the general fund—federal appropriation are provided solely to support medical airlift services.

(44) The authority shall collect data on enrollment and utilization to study whether the expansion of family planning coverage under Substitute Senate Bill No. 5912 is reducing state medical expenditures by reducing unwanted pregnancies. The authority shall report its findings to the legislature by December 1, 2012.

(45) \$480,000 of the general fund—state appropriation for fiscal year 2012, \$480,000 of the general fund—state appropriation for fiscal year 2013, and \$824,000 of the general fund—federal appropriation are provided solely for customer services staff. The authority will attempt to improve the phone answer rate to 40 percent and reduce the response times to written questions to ten days for clients and 25 days for providers. The authority will report to the legislature on its progress toward achieving these goals by January 1, 2012. If the authority

has not achieved these goals by July 1, 2012, then the authority shall reduce expenditures on management staff in order to increase expenditures on customer service staff until the goals are achieved.

(46) The department shall purchase a brand name drug when it determines that the cost of the brand name drug after rebates is less than the cost of generic alternatives and that purchase of the brand rather than generic version can save at least \$250,000. The department may purchase generic alternatives when changes in market prices make the price of the brand name drug after rebates more expensive than the generic alternatives.

(47) *The department shall contract with an organization that will use Washington state pharmacists to provide medication therapy management services to increase the use of lower cost alternative medications, improve patient compliance with prescribed regimens, reduce harmful side effects from medication, and ensure that medications achieve their desired therapeutic results. The department shall not contract for these services unless the contractor guarantees that the services will generate savings, as measured by the department's actual experience after implementation that are greater than the cost of the contracted services.*

(48) *All not-for-profit hospitals that apply for disproportionate share hospital payments in accordance with RCW 74.09.730(1) shall submit a completed copy of federal internal revenue service schedule H for the most recently completed year to the department. The department shall report to the appropriate fiscal and policy committees of the legislature by December 1, 2011, with an assessment of the extent to which information on community benefit as reported on the schedule H would provide a more consistent and accurate measure of hospital charity care efforts than the measures presently used by the department.*

(49) The department shall collaborate closely with the Washington state hospital and medical associations in identification of the diagnostic codes and retroactive review procedures that will be used to determine whether an emergency room visit is a nonemergency condition to assure that conditions that require emergency treatment continue to be covered.

\*Sec. 213 was partially vetoed. See message at end of chapter.

**NEW SECTION. Sec. 214. FOR THE HUMAN RIGHTS COMMISSION**

General Fund—State Appropriation (FY 2012) . . . . .	\$2,240,000
General Fund—State Appropriation (FY 2013) . . . . .	\$2,242,000
General Fund—Federal Appropriation . . . . .	\$1,903,000
TOTAL APPROPRIATION . . . . .	\$6,385,000

**NEW SECTION. Sec. 215. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS**

Worker and Community Right-to-Know Account—State	
Appropriation . . . . .	\$10,000
Accident Account—State Appropriation . . . . .	\$19,685,000
Medical Aid Account—State Appropriation . . . . .	\$19,685,000
TOTAL APPROPRIATION . . . . .	\$39,380,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$36,000 of the accident account—state appropriation and \$36,000 of the medical aid account—state appropriation are solely provided for Engrossed Substitute Senate Bill No. 5068 (industrial safety and health act). If the bill is not enacted by June 30, 2011, the amounts provided in this subsection shall lapse.

(2) \$16,000 of the accident account—state appropriation and \$16,000 of the medical aid account—state appropriation are solely provided for Substitute Senate Bill No. 5801 (industrial insurance system). If the bill is not enacted by June 30, 2011, the amounts provided in this subsection shall lapse.

(3) \$1,893,000 of the accident account—state appropriation and \$1,893,000 of the medical aid account—state appropriation are provided solely for implementation of House Bill No. 2123 (workers' compensation). If the bill is not enacted by June 30, 2011, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 216. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**

General Fund—State Appropriation (FY 2012) . . . . .	\$15,165,000
General Fund—State Appropriation (FY 2013) . . . . .	\$15,140,000
General Fund—Federal Appropriation . . . . .	\$456,000
General Fund—Private/Local Appropriation . . . . .	\$4,048,000
Death Investigations Account—State Appropriation . . . . .	\$148,000
Municipal Criminal Justice Assistance Account—	
State Appropriation . . . . .	\$460,000
Washington Auto Theft Prevention Authority Account—	
State Appropriation . . . . .	\$8,597,000
TOTAL APPROPRIATION . . . . .	\$44,014,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,000,000 of the general fund—state appropriation for fiscal year 2012 and \$5,000,000 of the general fund—state appropriation for fiscal year 2013, are provided to the Washington association of sheriffs and police chiefs solely to verify the address and residency of registered sex offenders and kidnapping offenders under RCW 9A.44.130.

(2) \$321,000 of the general fund—local appropriation is provided solely to purchase ammunition for the basic law enforcement academy. Jurisdictions shall reimburse to the criminal justice training commission the costs of ammunition, based on the average cost of ammunition per cadet, for cadets that they enroll in the basic law enforcement academy.

(3) The criminal justice training commission may not run a basic law enforcement academy class of fewer than 30 students.

(4) \$100,000 of the general fund—state appropriation for fiscal year 2012 and \$100,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for a school safety program. The commission, in collaboration with the school safety center advisory committee, shall provide the school safety training for all school administrators and school safety personnel hired after the effective date of this section.

(5) \$96,000 of the general fund—state appropriation for fiscal year 2012 and \$90,000 of the general fund—state appropriation for fiscal year 2013 are

provided solely for the school safety center within the commission. The safety center shall act as an information dissemination and resource center when an incident occurs in a school district in Washington or in another state, coordinate activities relating to school safety, and review and approve manuals and curricula used for school safety models and training. Through an interagency agreement, the commission shall provide funding for the office of the superintendent of public instruction to continue to develop and maintain a school safety information web site. The school safety center advisory committee shall develop and revise the training program, using the best practices in school safety, for all school safety personnel. The commission shall provide research-related programs in school safety and security issues beneficial to both law enforcement and schools.

(6) \$1,000,000 of the general fund—state appropriation for fiscal year 2012 and \$1,000,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for grants to counties enforcing illegal drug laws and which have been underserved by federally funded state narcotics task forces. The Washington association of sheriffs and police chiefs, the Washington association of prosecuting attorneys, and the Washington association of county officials shall jointly develop funding allocations for the offices of the county sheriff, county prosecutor, and county clerk in qualifying counties. The commission shall not impose an administrative cost on this program.

**\*NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

General Fund—State Appropriation (FY 2012) . . . . .	\$18,605,000
General Fund—State Appropriation (FY 2013) . . . . .	\$19,513,000
General Fund—Federal Appropriation . . . . .	\$10,100,000
Asbestos Account—State Appropriation . . . . .	\$395,000
Electrical License Account—State Appropriation . . . . .	\$37,019,000
Farm Labor Revolving Account—Private/Local Appropriation . . . . .	\$28,000
Worker and Community Right-to-Know Account—	
State Appropriation . . . . .	\$949,000
Public Works Administration Account—State	
Appropriation . . . . .	\$6,814,000
Manufactured Home Installation Training Account—	
State Appropriation . . . . .	\$151,000
Accident Account—State Appropriation . . . . .	\$252,689,000
Accident Account—Federal Appropriation . . . . .	\$13,622,000
Medical Aid Account—State Appropriation . . . . .	\$264,070,000
Medical Aid Account—Federal Appropriation . . . . .	\$3,186,000
Plumbing Certificate Account—State Appropriation . . . . .	\$1,688,000
Pressure Systems Safety Account—State Appropriation . . . . .	\$4,068,000
TOTAL APPROPRIATION . . . . .	\$632,897,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Pursuant to RCW 43.135.055, the department is authorized to increase fees related to factory assembled structures, contractor registration, electricians, plumbers, asbestos removal, boilers, elevators, and manufactured home installers. These increases are necessary to support expenditures authorized in

this section, consistent with chapters 43.22, 18.27, 19.28, and 18.106 RCW, RCW 49.26.130, and chapters 70.79, 70.87, and 43.22A RCW.

(2) \$50,000 of the general fund—state appropriation for fiscal year 2012 and \$50,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for the crime victims compensation program to pay claims for mental health services for crime victim compensation program clients who have an established relationship with a mental health provider and subsequently obtain coverage under the medicaid program or the medical care services program under chapter 74.09 RCW. Prior to making such payment, the program must have determined that payment for the specific treatment or provider is not available under the medicaid or medical care services program. In addition, the program shall make efforts to contact any healthy options or medical care services health plan in which the client may be enrolled to help the client obtain authorization to pay the claim on an out-of-network basis.

***(3) \$34,000 of the general fund—state appropriation for fiscal year 2012 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1701 (contractor misclassification). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.***

(4) \$1,281,000 of the accident account—state appropriation and \$1,281,000 of the medical aid account—state appropriation are provided solely for implementation of Engrossed Substitute House Bill No. 1725 (workers' compensation). If the bill is not enacted by June 30, 2011, the amounts provided in this subsection shall lapse.

(5) \$51,000 of the accident account—state appropriation and \$51,000 of the medical aid account—state appropriation are provided solely for implementation of Engrossed Substitute House Bill No. 1367 (for hire vehicles, operators). If the bill is not enacted by June 30, 2011, the amounts provided in this subsection shall lapse.

(6) \$8,727,000 of the medical aid account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 5801 (industrial insurance system). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(7) \$625,000 of the general fund—state appropriation for fiscal year 2012, \$625,000 of the general fund—state appropriation for fiscal year 2013, \$1,250,000 of the public works administration account—state appropriation, \$708,000 of the accident account—state appropriation, and \$708,000 of the medical aid account—state appropriation are provided solely for the purposes of expanding the detecting unregistered employers targeting system and to support field staff in investigation and enforcement. Within the funds appropriated in this subsection, the department shall aggressively combat the underground economy in construction. Of the amounts provided in this subsection, \$800,000 shall be used for investigation and enforcement.

(8) \$8,583,000 of the accident account—state appropriation and \$18,278,000 of the medical aid account—state appropriation are provided solely for implementation of House Bill No. 2123 (workers' compensation). If the bill is not enacted by June 30, 2011, the amounts provided in this subsection shall lapse.

\*Sec. 217 was partially vetoed. See message at end of chapter.

**\*NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

(1) HEADQUARTERS

General Fund—State Appropriation (FY 2012) . . . . .	\$1,832,000
General Fund—State Appropriation (FY 2013) . . . . .	\$1,826,000
Charitable, Educational, Penal, and Reformatory Institutions Account—State Appropriation . . . . .	\$10,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$3,668,000</b>

(2) FIELD SERVICES

General Fund—State Appropriation (FY 2012) . . . . .	\$5,006,000
General Fund—State Appropriation (FY 2013) . . . . .	\$5,001,000
General Fund—Federal Appropriation . . . . .	\$2,704,000
General Fund—Private/Local Appropriation . . . . .	\$4,161,000
Veterans Innovations Program Account—State Appropriation . . . . .	\$812,000
Veteran Estate Management Account—Private/Local Appropriation . . . . .	\$1,083,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$18,767,000</b>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) *The department shall collaborate with the department of social and health services to identify and assist eligible general assistance unemployable clients to access the federal department of veterans affairs benefits.*

(b) \$821,000 of the veterans innovations program account—state appropriation is provided solely for the department to continue support for returning combat veterans through the veterans innovation program, including emergency financial assistance through the defenders' fund and long-term financial assistance through the competitive grant program.

(3) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2012) . . . . .	\$1,693,000
General Fund—State Appropriation (FY 2013) . . . . .	\$903,000
General Fund—Federal Appropriation . . . . .	\$56,141,000
General Fund—Private/Local Appropriation . . . . .	\$33,630,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$92,367,000</b>

\*Sec. 218 was partially vetoed. See message at end of chapter.

**\*NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF HEALTH**

General Fund—State Appropriation (FY 2012) . . . . .	\$80,370,000
General Fund—State Appropriation (FY 2013) . . . . .	\$80,177,000
General Fund—Federal Appropriation . . . . .	\$533,065,000
General Fund—Private/Local Appropriation . . . . .	\$148,386,000
Hospital Data Collection Account—State Appropriation . . . . .	\$214,000
Health Professions Account—State Appropriation . . . . .	\$94,505,000
Aquatic Lands Enhancement Account—State Appropriation . . . . .	\$604,000
Emergency Medical Services and Trauma Care Systems Trust Account—State Appropriation . . . . .	\$12,302,000
Safe Drinking Water Account—State Appropriation . . . . .	\$4,480,000



Drinking Water Assistance Account—Federal	
Appropriation. . . . .	\$22,884,000
Waterworks Operator Certification—State	
Appropriation. . . . .	\$1,532,000
Drinking Water Assistance Administrative Account—	
State Appropriation . . . . .	\$326,000
Site Closure Account—State Appropriation. . . . .	\$349,000
Biotoxin Account—State Appropriation . . . . .	\$1,167,000
State Toxics Control Account—State Appropriation . . . . .	\$3,649,000
Medical Test Site Licensure Account—State	
Appropriation. . . . .	\$2,321,000
Youth Tobacco Prevention Account—State Appropriation . . . . .	\$1,512,000
Community and Economic Development Fee Account—State	
Appropriation. . . . .	\$596,000
Public Health Supplemental Account—Private/Local	
Appropriation. . . . .	\$3,598,000
Accident Account—State Appropriation . . . . .	\$297,000
Medical Aid Account—State Appropriation . . . . .	\$50,000
Tobacco Prevention and Control Account—State	
Appropriation. . . . .	\$4,037,000
TOTAL APPROPRIATION . . . . .	\$996,421,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department of health and the state board of health shall not implement any new or amended rules pertaining to primary and secondary school facilities until the rules and a final cost estimate have been presented to the legislature, and the legislature has formally funded implementation of the rules through the omnibus appropriations act or by statute. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(2) In accordance with RCW 43.70.250 and 43.135.055, the department is authorized to establish and raise fees in fiscal year 2012 as necessary to meet the actual costs of conducting business and the appropriation levels in this section. This authorization applies to fees required for: The review of health care facility construction; review of health facility requests for certificate of need; the regulation and inspection of farm worker housing, hospital licensing, in-home

health service agencies, and producers of radioactive waste; the regulation and inspection of shellfish sanitary control, surgical facility licensing, and; fees associated with the following professions: Dieticians and nutritionists, occupational therapists, pharmacy, veterinarian, orthotics and prosthetics, surgical technicians, nursing home administrators, health care assistants, hearing and speech, psychology, hypnotherapy, chiropractic, social workers, physicians, and physician assistants.

(3) \$1,969,000 of the health professions account—state appropriation is provided solely to implement online licensing for health care providers. The department must submit a detailed investment plan for this project to the office of financial management. The office of financial management must review and approve this plan before funding may be expended. The department of health must successfully implement online application and renewal for at least one profession as a pilot project before pursuing additional professions. The department must report to the office of financial management on the outcome of the pilot project.

(4) \$16,000 of the health professions account—state appropriation is provided solely for the implementation of House Bill No. 1181 (board of naturopathy). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(5) \$21,000 of the health professions account—state appropriation is provided solely for the implementation of Substitute House Bill No. 1304 (health care assistants). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(6) \$54,000 of the health professions account—state appropriation is provided solely for the implementation of House Bill No. 1353 (pharmacy technicians). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(7) \$142,000 of the health professions account—state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5020 (social workers). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(8) \$336,000 of the health professions account—state appropriation is provided solely for the implementation of Senate Bill No. 5480 (physicians and physician assistants). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(9) \$46,000 of the health professions account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5071 (online access for midwives and marriage and family therapists). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(10) \$137,000 of the health professions account—state appropriation is provided solely for implementation of Substitute House Bill No. 1133 (massage practitioner license). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

***(11) \$1,670,000 of the safe drinking water account—state appropriation is provided solely for implementation of Substitute House Bill No. 1468 (public water system permits). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.***

(12) \$85,000 of the general fund—state appropriation for fiscal year 2012 and \$85,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for the developmental disabilities council to contract for a family-to-family mentor program to provide information and support to families and guardians of persons who are transitioning out of residential habilitation centers. To the maximum extent allowable under federal law, these funds shall be matched under medicaid through the department of social and health services and federal funds shall be transferred to the department for the purposes stated in this subsection. If Second Substitute Senate Bill No. 5459 (people with developmental disabilities) is not enacted by June 30, 2011, the amounts provided in this subsection shall lapse.

(13) \$57,000 of the general fund—state appropriation for fiscal year 2012 and \$58,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for the midwifery licensure and regulatory program to offset a reduction in revenue from fees. There shall be no change to the current annual fees for new or renewed licenses for the midwifery program, except from online access to HEAL-WA. The department shall convene the midwifery advisory committee on a quarterly basis to address issues related to licensed midwifery.

*(14) The department shall coordinate the collection of data among identified state agencies and, by November 15, 2011, provide a report to the legislature regarding food procurement costs to inform state food purchasing decisions. The data shall include food procurement costs for fiscal year 2011: For the department of health on behalf of its employees and stakeholders; for the department of corrections and the department of social and health services regarding meals and other food served to both residential and nonresidential clients; and for the department of services for the blind for vending machine services and on-site food and beverage vending services.*

(15) \$118,000 of the general fund—state appropriation for fiscal year 2012 and \$118,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for prevention of youth suicides.

(16) \$87,000 of the general fund—state appropriation for fiscal year 2012 and \$87,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for the senior falls prevention program.

*(17) \$4,000,000 of the tobacco prevention and control account—state appropriation is provided solely for tobacco use prevention and treatment. The department's prevention and treatment program shall include efforts that target those most at risk of engaging in tobacco usage, including contracts with community programs to reach underserved and hard to reach populations with smoking rates higher than the state average. If Substitute Senate Bill No. 5542 (cigar lounges/tobacconists) is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.*

\*Sec. 219 was partially vetoed. See message at end of chapter.

**\*NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF CORRECTIONS**

(1) ADMINISTRATION AND SUPPORT SERVICES

General Fund—State Appropriation (FY 2012) . . . . .	\$54,895,000
General Fund—State Appropriation (FY 2013) . . . . .	\$54,044,000
TOTAL APPROPRIATION . . . . .	\$108,939,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$35,000 of the general fund—state appropriation for fiscal year 2012 and \$35,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for the support of a statewide council on mentally ill offenders that includes as its members representatives of community-based mental health treatment programs, current or former judicial officers, and directors and commanders of city and county jails and state prison facilities. The council will investigate and promote cost-effective approaches to meeting the long-term needs of adults and juveniles with mental disorders who have a history of offending or who are at-risk of offending, including their mental health, physiological, housing, employment, and job training needs.

*(b) By October 1, 2011, the department shall compile and submit to the department of health data regarding food procurement costs for fiscal year 2011 regarding meals and other food for both residential and nonresidential clients, including the percentage of food purchased from Washington sources. The data shall be reported by setting and population, including costs per client, and be accompanied by the department's current food purchasing policies and standards.*

(2) CORRECTIONAL OPERATIONS

General Fund—State Appropriation (FY 2012) . . . . .	\$612,803,000
General Fund—State Appropriation (FY 2013) . . . . .	\$577,647,000
General Fund—Federal Appropriation . . . . .	\$3,398,000
General Fund—Private/Local Appropriation . . . . .	\$2,336,000
Washington Auto Theft Prevention Authority Account—	
State Appropriation . . . . .	\$14,079,000
TOTAL APPROPRIATION . . . . .	\$1,210,263,000

The appropriations in this subsection are subject to the following conditions and limitations:

*(a) The department shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.*

(b) During the 2011-13 biennium, when contracts are established or renewed for offender pay phone and other telephone services provided to inmates, the department shall select the contractor or contractors primarily based on the following factors: (i) The lowest rate charged to both the inmate and the person paying for the telephone call; and (ii) the lowest commission rates paid to the department, while providing reasonable compensation to cover the costs of the department to provide the telephone services to inmates and provide sufficient revenues for the activities funded from the institutional welfare betterment account.

(c) The Harborview medical center and the University of Washington medical center shall provide inpatient and outpatient hospital services to offenders confined in department of corrections facilities at a rate no greater than the average rate that the department has negotiated with other community hospitals in Washington state.

(d) \$102,000 of the general fund—state appropriation for fiscal year 2012 and \$102,000 of the general fund—state appropriation for fiscal year 2013 are provided solely to implement House Bill No. 1290 (health care employee overtime). If the bill is not enacted by June 30, 2011, the amounts provided in this subsection shall lapse.

(e) \$32,000 of the general fund—state appropriation for fiscal year 2012 and \$33,000 of the general fund—state appropriation for fiscal year 2013 are provided solely to implement Substitute House Bill No. 1718 (offenders with developmental disabilities). If the bill is not enacted by June 30, 2011, the amounts provided in this subsection shall lapse.

(f) The department of corrections shall contract with local and tribal governments for the provision of jail capacity to house offenders. A contract shall not have a cost of incarceration in excess of \$85 per day per offender. A contract shall not have a year-to-year increase in excess of three percent per year. The contracts may include rates for the medical care of offenders which exceed the daily cost of incarceration and the limitation on year-to-year increase, provided that medical payments conform to the department's offender health plan, pharmacy formulary, and all off-site medical expenses are preapproved by department utilization management staff.

(3) COMMUNITY SUPERVISION

General Fund—State Appropriation (FY 2012) . . . . .	\$128,403,000
General Fund—State Appropriation (FY 2013) . . . . .	\$124,709,000
TOTAL APPROPRIATION . . . . .	\$253,112,000

The appropriations in this subsection are subject to the following conditions and limitations:

*(a) The department shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.*

(b) \$875,000 of the general fund—state appropriation for fiscal year 2012 is provided solely to implement Engrossed Substitute House Bill No. 5891 (criminal justice cost savings). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(4) CORRECTIONAL INDUSTRIES

General Fund—State Appropriation (FY 2012) . . . . .	\$3,598,000
General Fund—State Appropriation (FY 2013) . . . . .	\$3,589,000
TOTAL APPROPRIATION . . . . .	\$7,187,000

The appropriations in this subsection are subject to the following conditions and limitations: \$132,000 of the general fund—state appropriation for fiscal year 2012 and \$132,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for transfer to the jail industries board. The board shall use the amounts provided only for administrative expenses, equipment purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs.

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(5) INTERAGENCY PAYMENTS

General Fund—State Appropriation (FY 2012) . . . . .	\$39,765,000
General Fund—State Appropriation (FY 2013) . . . . .	\$36,035,000
TOTAL APPROPRIATION . . . . .	\$75,800,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state prison institutions may use funds appropriated in this subsection to rent uniforms from correctional industries in accordance with existing legislative mandates.

(b) The state prison medical facilities may use funds appropriated in this subsection to purchase goods and supplies through hospital or other group purchasing organizations when it is cost effective to do so.

(c) The department shall reduce payments to the department of information services or its successor by \$213,000 in fiscal year 2012 and by \$1,150,000 in fiscal year 2013. The reduction in payment shall be related to the elimination of the offender base tracking system, including moving remaining portions of the offender base tracking system into the offender management network information system.

\*Sec. 220 was partially vetoed. See message at end of chapter.

**\*NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF SERVICES FOR THE BLIND**

General Fund—State Appropriation (FY 2012) . . . . .	\$2,278,000
General Fund—State Appropriation (FY 2013) . . . . .	\$2,264,000
General Fund—Federal Appropriation . . . . .	\$19,082,000
General Fund—Private/Local Appropriation . . . . .	\$30,000
TOTAL APPROPRIATION . . . . .	\$23,654,000

*The appropriations in this subsection are subject to the following conditions and limitations: By October 1, 2011, the department shall compile and submit to the department of health data regarding food procurement costs for fiscal year 2011 regarding vending machine services and on-site food and beverage vending services. The data shall be reported by location and type and be accompanied by the department's food purchasing policies and standards.*

\*Sec. 221 was partially vetoed. See message at end of chapter.

**NEW SECTION. Sec. 222. FOR THE EMPLOYMENT SECURITY DEPARTMENT**

General Fund—State Appropriation (FY 2012) . . . . .	\$43,000
General Fund—State Appropriation (FY 2013) . . . . .	\$26,000
General Fund—Federal Appropriation . . . . .	\$267,328,000
General Fund—Private/Local Appropriation . . . . .	\$33,937,000
Unemployment Compensation Administration Account—	
Federal Appropriation . . . . .	\$359,598,000
Administrative Contingency Account—State Appropriation . . . . .	\$20,429,000
Employment Service Administrative Account—State	
Appropriation . . . . .	\$33,738,000
TOTAL APPROPRIATION . . . . .	\$715,099,000

The appropriations in this subsection are subject to the following conditions and limitations:

(1) \$39,666,000 of the unemployment compensation administration account—federal appropriation is from amounts made available to the state by section 903 (d), (f), and (g) of the social security act (Reed act). This amount is provided solely for continuing current unemployment insurance functions and department services to employers and job seekers.

(2) \$35,584,000 of the unemployment compensation administration account—federal appropriation is from amounts made available to the state by section 903 (d), (f), and (g) of the social security act (Reed act). This amount is provided solely for the replacement of the unemployment insurance tax information system for the employment security department. The employment security department shall support the department of revenue and department of labor and industries to develop a common vision to ensure technological compatibility between the three agencies to facilitate a coordinated business tax system for the future that improves services to business customers. The amounts provided in this subsection are conditioned on the department satisfying the requirements of the project management oversight standards and policies established by the office of the chief information officer created in Engrossed Substitute Senate Bill No. 5931 (information technology management).

(3) \$25,000 of the unemployment compensation administration account—federal appropriation is from amounts made available to the state by section 903 (d), (f), and (g) of the social security act (Reed act). This amount is provided solely for implementation of system changes to the unemployment insurance tax information system required under chapter 4, Laws of 2011 (unemployment insurance program).

(4) \$1,459,000 of the unemployment compensation administration account—federal appropriation is from amounts available to the state by section 903 (d), (f), and (g) of the social security act (Reed act). This amount is provided solely for implementation of chapter 4, Laws of 2011 (unemployment insurance program).

(5) \$60,000 of the unemployment compensation administration account—federal appropriation is provided solely for costs associated with the initial review and evaluation of the training benefits program as directed in section 15(2), chapter 4, Laws of 2011 (unemployment insurance program). The initial review shall be developed by the joint legislative audit and review committee. This appropriation is provided from funds made available to the state by section 903 (d), (f), and (g) of the social security act (Reed act).

**PART III  
NATURAL RESOURCES**

**\*NEW SECTION. Sec. 301. FOR THE COLUMBIA RIVER GORGE COMMISSION**

General Fund—State Appropriation (FY 2012) . . . . .	\$364,000
General Fund—Federal Appropriation . . . . .	\$16,000
General Fund—Private/Local Appropriation . . . . .	\$386,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$766,000</b>

*The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are for fiscal year 2012. Appropriations for fiscal year 2013 are contained in section 302 of this act.*

\*Sec. 301 was partially vetoed. See message at end of chapter.

**\*NEW SECTION. Sec. 302. FOR THE DEPARTMENT OF ECOLOGY**

General Fund—State Appropriation (FY 2012) . . . . .	\$49,002,000
General Fund—State Appropriation (FY 2013) . . . . .	\$47,789,000
General Fund—Federal Appropriation . . . . .	\$77,467,000
General Fund—Private/Local Appropriation . . . . .	\$17,005,000
Special Grass Seed Burning Research Account—State Appropriation . . . . .	\$3,000
Reclamation Revolving Account—State Appropriation . . . . .	\$3,642,000
Flood Control Assistance Account—State Appropriation . . . . .	\$1,940,000
State Emergency Water Projects Revolving Account—State Appropriation . . . . .	\$270,000
Waste Reduction/Recycling/Litter Control—State Appropriation . . . . .	\$11,475,000
State Drought Preparedness Account—State Appropriation . . . . .	\$118,000
State and Local Improvements Revolving Account (Water Supply Facilities)—State Appropriation . . . . .	\$423,000
Freshwater Aquatic Algae Control Account—State Appropriation . . . . .	\$509,000
Water Rights Tracking System Account—State Appropriation . . . . .	\$46,000
Site Closure Account—State Appropriation . . . . .	\$354,000
Wood Stove Education and Enforcement Account—State Appropriation . . . . .	\$612,000
Worker and Community Right-to-Know Account—State Appropriation . . . . .	\$1,668,000
Water Rights Processing Account—State Appropriation . . . . .	\$136,000
State Toxics Control Account—State Appropriation . . . . .	\$112,512,000
State Toxics Control Account—Private/Local Appropriation . . . . .	\$968,000
Local Toxics Control Account—State Appropriation . . . . .	\$27,384,000
Water Quality Permit Account—State Appropriation . . . . .	\$37,730,000
Underground Storage Tank Account—State Appropriation . . . . .	\$3,251,000
Biosolids Permit Account—State Appropriation . . . . .	\$1,805,000
Hazardous Waste Assistance Account—State Appropriation . . . . .	\$5,854,000
Air Pollution Control Account—State Appropriation . . . . .	\$2,468,000
Oil Spill Prevention Account—State Appropriation . . . . .	\$5,563,000
Air Operating Permit Account—State Appropriation . . . . .	\$2,744,000
Freshwater Aquatic Weeds Account—State Appropriation . . . . .	\$1,700,000
Oil Spill Response Account—State Appropriation . . . . .	\$7,076,000
Metals Mining Account—State Appropriation . . . . .	\$14,000
Pollution Liability Insurance Account—State Appropriation . . . . .	\$333,000
Water Pollution Control Revolving Account—State Appropriation . . . . .	\$611,000
Water Pollution Control Revolving Account—Federal Appropriation . . . . .	\$2,517,000
TOTAL APPROPRIATION . . . . .	\$424,989,000



The appropriations in this section are subject to the following conditions and limitations:

(1) \$170,000 of the oil spill prevention account—state appropriation is provided solely for a contract with the University of Washington's sea grant program to continue an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(2) Pursuant to RCW 43.135.055, the department is authorized to increase the following fees as necessary to meet the actual costs of conducting business and the appropriation levels in this section: Wastewater discharge permit, not more than 4.34 percent in fiscal year 2012 and 4.62 percent in fiscal year 2013; biosolids permit fee, not more than 10 percent during the biennium; and air contaminate source registration fee, not more than 36 percent during the biennium; and dam safety and inspection fees, not more than 35 percent in fiscal year 2012 and 4.62 percent in fiscal year 2013.

(3) If Substitute House Bill No. 1294 (Puget Sound corps) is not enacted by June 30, 2011, \$322,000 of the general fund—state appropriation for fiscal year 2012 and \$322,000 of the general fund—state appropriation for fiscal year 2013 shall be transferred to the department of natural resources.

(4) \$463,000 of the state toxics control account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1186 (state's oil spill program). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(5) The department may not spend waste reduction, recycling, and litter control account funds to support the following activities: The beyond waste plan, work on national solid waste recycling issues, work on construction and demolition recycling and green building alternatives, education programs including the green schools initiative, and management of the 1-800-recycle hotline and database on school awards. Waste reduction, recycling, and litter account control funds must be prioritized to support litter pickup using correctional crews, regulatory programs, and technical assistance to local governments.

(6) The department shall make every possible effort through its existing statutory authorities to obtain federal funding for public participation grants regarding the Hanford nuclear reservation and associated properties and facilities. Such federal funding shall not limit the total state funding authorized under this section for public participation grants made pursuant to RCW 70.105D.070(5), but the amount of any individual grant from such federal funding shall be offset against any grant award amount to an individual grantee from state funds under RCW 70.105D.070(5).

(7) The department shall review its water rights application review procedures to simplify the procedures, eliminate unnecessary steps, and decrease the time required to issue decisions. The department shall implement changes to improve water rights processing for which it has current administrative authority. The department shall report on reforms implemented and efficiencies achieved as demonstrated through enhanced permit processing to the appropriate committees of the legislature on December 1, 2011, and October 1, 2012.

(a) The department shall consult with key stakeholders on statutory barriers to efficient water rights processing and effective water management, including identification of obsolete, confusing, or conflicting statutory provisions. The

department shall report stakeholder recommendations to appropriate committees of the legislature by December 1, 2011, and October 1, 2012.

(b) \$500,000 of the general fund—state appropriation for fiscal year 2013 is provided solely for processing water right permit applications only if the department of ecology issues at least five hundred water right decisions in fiscal year 2012, and if the department of ecology does not issue at least five hundred water right decisions in fiscal year 2012 the amount provided in this subsection shall lapse and remain unexpended. The department of ecology shall submit a report to the office of financial management and the state treasurer by June 30, 2012, that documents whether five hundred water right decisions were issued in fiscal year 2012.

(c) The department shall maintain an ongoing accounting of water right applications received and acted on and shall post that information to the department's internet site.

(8) Appropriations for fiscal year 2013 are included for consolidation of the Columbia river gorge commission and the pollution liability insurance agency into the department of ecology.

*(9) Appropriations for fiscal year 2013 are included for consolidation of the department of health's reclaimed water program into the department of ecology.*

*(10) The appropriations in this section for the low-level radioactive waste site use permit program are for fiscal year 2012. Appropriations for fiscal year 2013 are contained in section 221 of this act.*

(11) \$1,075,000 of the general fund—state appropriation for fiscal year 2012 and \$1,075,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for processing the backlog of pending water rights permit applications in the water resources program.

\*Sec. 302 was partially vetoed. See message at end of chapter.

**\*NEW SECTION. Sec. 303. FOR THE STATE PARKS AND RECREATION COMMISSION**

General Fund—State Appropriation (FY 2012) . . . . .	\$8,955,000
General Fund—State Appropriation (FY 2013) . . . . .	\$8,379,000
General Fund—Federal Appropriation . . . . .	\$5,905,000
Winter Recreation Program Account—State Appropriation . . . . .	\$1,761,000
ORV and Nonhighway Vehicle Account—State Appropriation . . . . .	\$224,000
Snowmobile Account—State Appropriation . . . . .	\$4,848,000
Aquatic Lands Enhancement Account—State Appropriation . . . . .	\$363,000
Parks Renewal and Stewardship Account—State Appropriation . . . . .	\$115,779,000
Parks Renewal and Stewardship Account—Private/Local Appropriation . . . . .	\$300,000
TOTAL APPROPRIATION . . . . .	\$146,514,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$8,876,000 of the general fund—state appropriation for fiscal year 2012 and \$8,300,000 of the general fund—state appropriation for fiscal year 2013 are provided solely to operate and maintain state parks as the commission implements a new fee structure. The goal of this structure is to make the parks

system self-supporting. By August 1, 2012, state parks must submit a report to the office of financial management detailing its progress toward this goal and outlining any additional statutory changes needed for successful implementation.

(2) \$79,000 of the general fund—state appropriation for fiscal year 2012 and \$79,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for a grant for the operation of the Northwest avalanche center.

(3) \$53,928,000 of the parks renewal and stewardship account—state appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5622 (state land recreation access). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(4) *During the 2011-2013 fiscal biennium, the commission shall not expend state moneys to purchase or acquire lands other than those called for in Senate Bill No. 5467 or House Bill No. 1497.*

(5) Prior to closing any state park, the commission must notify all affected local governments and relevant nonprofit organizations of the intended closure and provide an opportunity for the notified local governments and nonprofit organizations to elect to acquire, or enter into, a maintenance and operating contract with the commission that would allow the park to remain open.

\*Sec. 303 was partially vetoed. See message at end of chapter.

**NEW SECTION. Sec. 304. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

General Fund—State Appropriation (FY 2012) . . . . .	\$953,000
General Fund—State Appropriation (FY 2013) . . . . .	\$972,000
General Fund—Federal Appropriation . . . . .	\$3,299,000
General Fund—Private/Local Appropriation . . . . .	\$274,000
Aquatic Lands Enhancement Account—State Appropriation . . . . .	\$278,000
Vessel Response Account—State Appropriation . . . . .	\$100,000
Firearms Range Account—State Appropriation . . . . .	\$37,000
Recreation Resources Account—State Appropriation . . . . .	\$2,874,000
NOVA Program Account—State Appropriation . . . . .	\$900,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$9,687,000</b>

The appropriations in this section are subject to the following conditions and limitations: \$40,000 of the general fund—federal appropriation, \$24,000 of the general fund—private/local appropriation, \$100,000 of the vessel response account—state appropriation, and \$12,000 of the recreation resources account—state appropriation are provided solely for House Bill No. 1413 (invasive species council). If the bill is not enacted by June 30, 2011, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 305. FOR THE ENVIRONMENTAL AND LAND USE HEARINGS OFFICE**

General Fund—State Appropriation (FY 2012) . . . . .	\$2,419,000
General Fund—State Appropriation (FY 2013) . . . . .	\$2,422,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$4,841,000</b>

**NEW SECTION. Sec. 306. FOR THE CONSERVATION COMMISSION**

General Fund—State Appropriation (FY 2012) . . . . .	\$6,790,000
General Fund—State Appropriation (FY 2013) . . . . .	\$6,793,000

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General Fund—Federal Appropriation . . . . .	\$1,301,000
TOTAL APPROPRIATION . . . . .	\$14,884,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The conservation commission, in cooperation with all conservation districts, will seek to minimize conservation district overhead costs. These efforts may include consolidating conservation districts.

(2) \$122,000 of the general fund—federal appropriation is provided solely for Engrossed Substitute House Bill No. 1886 (Ruckelshaus center process). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

**\*NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

General Fund—State Appropriation (FY 2012) . . . . .	\$35,721,000
General Fund—State Appropriation (FY 2013) . . . . .	\$33,666,000
General Fund—Federal Appropriation . . . . .	\$105,717,000
General Fund—Private/Local Appropriation . . . . .	\$50,711,000
ORV and Nonhighway Vehicle Account—State Appropriation . . . . .	\$391,000
Aquatic Lands Enhancement Account—State Appropriation . . . . .	\$6,856,000
Recreational Fisheries Enhancement—State Appropriation . . . . .	\$3,550,000
Warm Water Game Fish Account—State Appropriation . . . . .	\$3,051,000
Eastern Washington Pheasant Enhancement Account—State Appropriation . . . . .	\$849,000
Aquatic Invasive Species Enforcement Account—State Appropriation . . . . .	\$204,000
Aquatic Invasive Species Prevention Account—State Appropriation . . . . .	\$719,000
State Wildlife Account—State Appropriation . . . . .	\$100,169,000
Special Wildlife Account—State Appropriation . . . . .	\$2,384,000
Special Wildlife Account—Federal Appropriation . . . . .	\$3,428,000
Special Wildlife Account—Private/Local Appropriation . . . . .	\$487,000
Wildlife Rehabilitation Account—State Appropriation . . . . .	\$259,000
Regional Fisheries Enhancement Salmonid Recovery Account—Federal Appropriation . . . . .	\$5,001,000
Oil Spill Prevention Account—State Appropriation . . . . .	\$887,000
Oyster Reserve Land Account—State Appropriation . . . . .	\$921,000
TOTAL APPROPRIATION . . . . .	\$354,971,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$294,000 of the aquatic lands enhancement account—state appropriation is provided solely for the implementation of hatchery reform recommendations defined by the hatchery scientific review group.

(2) \$355,000 of the general fund—state appropriation for fiscal year 2012 and \$355,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for the department to continue a pilot project with the Confederated Tribes of the Colville Reservation to develop expanded recreational fishing opportunities on Lake Rufus Woods and its northern shoreline and to conduct joint enforcement of lake fisheries on Lake Rufus

Woods and adjoining waters, pursuant to state and tribal intergovernmental agreements developed under the Columbia River water supply program. For the purposes of the pilot project:

(a) A fishing permit issued to a nontribal member by the Colville Tribes shall satisfy the license requirement of RCW 77.32.010 on the waters of Lake Rufus Woods and on the north shore of Lake Rufus Woods;

(b) The Colville Tribes have agreed to provide to holders of its nontribal member fishing permits a means to demonstrate that fish in their possession were lawfully taken in Lake Rufus Woods;

(c) A Colville tribal member identification card shall satisfy the license requirement of RCW 77.32.010 on all waters of Lake Rufus Woods;

(d) The department and the Colville Tribes shall jointly designate fishing areas on the north shore of Lake Rufus Woods for the purposes of enhancing access to the recreational fisheries on the lake; and

(e) The Colville Tribes have agreed to recognize a fishing license issued under RCW 77.32.470 or RCW 77.32.490 as satisfying the nontribal member fishing permit requirements of Colville tribal law on the reservation portion of the waters of Lake Rufus Woods and at designated fishing areas on the north shore of Lake Rufus Woods;

(3) Prior to submitting its 2013-2015 biennial operating and capital budget request related to state fish hatcheries to the office of financial management, the department shall contract with the hatchery scientific review group (HSRG) to review this request. This review shall: (a) Determine if the proposed requests are consistent with HSRG recommendations; (b) prioritize the components of the requests based on their contributions to protecting wild salmonid stocks and meeting the recommendations of the HSRG; and (c) evaluate whether the proposed requests are being made in the most cost effective manner. The department shall provide a copy of the HSRG review to the office of financial management with their agency budget proposal.

(4) \$400,000 of the general fund—state appropriation for fiscal year 2012 and \$400,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for a state match to support the Puget Sound nearshore partnership between the department and the U.S. army corps of engineers.

(5) \$50,000 of the general fund—state appropriation for fiscal year 2012 and \$50,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for removal of derelict gear in Washington waters.

(6) \$100,000 of the eastern Washington pheasant enhancement account—state appropriation is provided solely for the department to support efforts to enhance permanent and temporary pheasant habitat on public and private lands in Grant, Franklin, and Adams counties. The department may support efforts by entities including conservation districts, nonprofit organizations, and landowners, and must require such entities to provide significant nonstate matching resources, which may be in the form of funds, material, or labor.

(7) Within the amounts appropriated in this section, the department shall identify additional opportunities for partnerships in order to keep fish hatcheries operational. Such partnerships shall aim to maintain fish production and salmon recovery with less reliance on state operating funds.

(8) By September 1, 2011, the department shall update its interagency agreement dated September 30, 2010, with the department of natural resources

concerning land management services on the department of fish and wildlife's wildlife conservation and recreation lands. The update shall include rates and terms for services.

(9) Prior to opening game management unit 490 to public hunting, the department shall complete an environmental impact statement that includes an assessment of how public hunting activities will impact the ongoing protection of the public water supply.

(10) \$18,514,000 of the state wildlife account—state appropriation is provided solely for the implementation of Second Substitute Senate Bill No. 5385 (state wildlife account). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(11) \$9,418,000 of the state wildlife account—state appropriation is provided solely for the implementation of Second Substitute Senate Bill No. 5622 (state land recreation access). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(12) *During the 2011-2013 fiscal biennium, the department shall not expend state moneys to purchase or acquire additional lands other than those called for in Senate Bill No. 5467 (capital budget) or House Bill No. 1497 (capital budget).*

\*Sec. 307 was partially vetoed. See message at end of chapter.

**\*NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF NATURAL RESOURCES**

General Fund—State Appropriation (FY 2012) . . . . .	\$33,856,000
General Fund—State Appropriation (FY 2013) . . . . .	\$35,057,000
General Fund—Federal Appropriation . . . . .	\$27,919,000
General Fund—Private/Local Appropriation . . . . .	\$2,374,000
Forest Development Account—State Appropriation . . . . .	\$41,507,000
ORV and Nonhighway Vehicle Account—State Appropriation . . . . .	\$4,387,000
Surveys and Maps Account—State Appropriation . . . . .	\$2,346,000
Aquatic Lands Enhancement Account—State Appropriation . . . . .	\$7,218,000
Resources Management Cost Account—State Appropriation . . . . .	\$81,800,000
Surface Mining Reclamation Account—State Appropriation . . . . .	\$3,484,000
Disaster Response Account—State Appropriation . . . . .	\$5,000,000
Forest and Fish Support Account—State Appropriation . . . . .	\$7,933,000
Aquatic Land Dredged Material Disposal Site Account—State Appropriation . . . . .	\$838,000
Natural Resources Conservation Areas Stewardship Account—State Appropriation . . . . .	\$34,000
State Toxics Control Account—State Appropriation . . . . .	\$80,000
Air Pollution Control Account—State Appropriation . . . . .	\$1,319,000
NOVA Program Account—State Appropriation . . . . .	\$639,000
Derelict Vessel Removal Account—State Appropriation . . . . .	\$1,761,000
Agricultural College Trust Management Account—State Appropriation . . . . .	\$1,854,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$259,406,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$977,000 of the general fund—state appropriation for fiscal year 2012 and \$915,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(2) \$10,037,000 of the general fund—state appropriation for fiscal year 2012, \$10,037,000 of the general fund—state appropriation for fiscal year 2013, and \$5,000,000 of the disaster response account—state appropriation are provided solely for emergency fire suppression. None of the general fund and disaster response account amounts provided in this subsection may be used to fund agency indirect and administrative expenses. Agency indirect and administrative costs shall be allocated among the agency's remaining accounts and appropriations. The department of natural resources shall submit a quarterly report to the office of financial management and the legislative fiscal committees detailing information on current and planned expenditures from the disaster response account. This work shall be done in coordination with the military department.

(3) \$4,000,000 of the forest and fish support account—state appropriation is provided solely for adaptive management, monitoring, and participation grants to tribes. If federal funding for this purpose is reinstated, the amount provided in this subsection shall lapse.

(4) \$333,000 of the forest and fish support account—state appropriation is provided solely for adaptive management, monitoring, and participation grants to nongovernmental organizations.

(5) \$487,000 of the general fund—state appropriation is provided solely to fund interagency agreements with the department of ecology and the department of fish and wildlife as part of the adaptive management process.

(6) \$1,000,000 of the general fund—federal appropriation and \$1,000,000 of the forest and fish support account—state appropriation are provided solely for continuing scientific studies already underway as part of the adaptive management process. Funds may not be used to initiate new studies unless the department secures new federal funding for the adaptive management process.

(7) The department is authorized to increase the silviculture burning permit fee in the 2011-2013 biennium by up to eighty dollars plus fifty cents per ton for each ton of material burned in excess of one hundred tons.

(8) \$440,000 of the state general fund—state appropriation for fiscal year 2012 and \$440,000 of the state general fund—state appropriation for fiscal year 2013 are provided solely for forest work crews that support correctional camps and are contingent upon continuing operations of Naselle youth camp.

(9) By September 1, 2011, the department shall update its interagency agreement dated September 30, 2010, with the department of fish and wildlife concerning land management services on the department of fish and wildlife's wildlife conservation and recreation lands. The update shall include rates and terms for services.

***(10)(a) The department shall convene the marine rents review committee so that the committee can recommend to the legislature alternative methods of calculating rents for marinas occupying state-owned aquatic lands. The***

*committee must explore ways to refine and improve the averaging method for calculating rents for marinas as generally described in Senate Bill No. 5550 (marina annual rent rates); examine current methodologies; address significant fluctuations in assessed value among similarly sized and situated properties; and explore how marina rents in similar regional marina markets can affect market conditions for marinas. The department shall also consider expanding representation and stakeholder outreach on the committee, based on recommendations of existing committee members. The department is authorized to use independent facilitators and outside parties to partner in the committee's efforts. Recommendations provided by the committee must meet these minimum requirements:*

*(i) Provide more equitable treatment of marina lessees through similar lease rates for similar uses in similar markets or geographic locations;*

*(ii) Minimize administrative burdens to the department;*

*(iii) Be designed with strategies to be revenue neutral or positive to the state over a time frame agreeable to the department.*

*(b) The committee shall strive for unanimous agreement in its recommendations. In the absence of a unanimous agreement, a vote may be taken to assess preferences and majority and minority views, and recommendations must be reported to the legislature by December 1, 2011, consistent with RCW 43.01.036.*

\*Sec. 308 was partially vetoed. See message at end of chapter.

**NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF AGRICULTURE**

General Fund—State Appropriation (FY 2012) . . . . .	\$15,729,000
General Fund—State Appropriation (FY 2013) . . . . .	\$15,371,000
General Fund—Federal Appropriation . . . . .	\$22,925,000
General Fund—Private/Local Appropriation . . . . .	\$190,000
Aquatic Lands Enhancement Account—State Appropriation . . . . .	\$2,074,000
State Toxics Control Account—State Appropriation . . . . .	\$5,116,000
Water Quality Permit Account—State Appropriation . . . . .	\$60,000
TOTAL APPROPRIATION . . . . .	\$61,465,000

The appropriations in this section are subject to the following conditions and limitations: \$5,308,445 of the general fund—state appropriation for fiscal year 2012 and \$5,302,905 of the general fund—state appropriation for fiscal year 2013 are provided solely for implementing the food assistance program as defined in RCW 43.23.290.

**\*NEW SECTION. Sec. 310. FOR THE WASHINGTON POLLUTION LIABILITY INSURANCE PROGRAM**

Pollution Liability Insurance Program Trust Account—State Appropriation . . . . .	\$335,000
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*The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are for fiscal year 2012. Appropriations for fiscal year 2013 are contained in section 302 of this act.*

\*Sec. 310 was partially vetoed. See message at end of chapter.



**NEW SECTION. Sec. 311. FOR THE PUGET SOUND PARTNERSHIP**

General Fund—State Appropriation (FY 2012) . . . . .	\$2,545,000
General Fund—State Appropriation (FY 2013) . . . . .	\$2,520,000
General Fund—Federal Appropriation . . . . .	\$9,581,000
General Fund—Private/Local Appropriation . . . . .	\$25,000
Aquatic Lands Enhancement Account—State Appropriation . . . . .	\$493,000
State Toxics Control Account—State Appropriation . . . . .	\$665,000
TOTAL APPROPRIATION . . . . .	\$15,829,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$706,000 of the state toxics control account—state appropriation is provided solely for activities that contribute to Puget Sound protection and recovery, including provision of independent advice and assessment of the state's oil spill prevention, preparedness, and response programs, including review of existing activities and recommendations for any necessary improvements. The partnership may carry out this function through an existing committee, such as the ecosystem coordination board or the leadership council, or may appoint a special advisory council. Because this is a unique statewide program, the partnership may invite participation from outside the Puget Sound region.

(2) Within the amounts appropriated in this section, the Puget Sound partnership shall facilitate an ongoing monitoring consortium to integrate monitoring efforts for storm water, water quality, watershed health, and other indicators to enhance monitoring efforts in Puget Sound.

**\*NEW SECTION. Sec. 312. FOR THE DEPARTMENT OF AGRICULTURE, THE DEPARTMENT OF ECOLOGY, AND THE STATE CONSERVATION COMMISSION**

*(1) The directors of the department of agriculture, the department of ecology, and the conservation commission shall coordinate a process to examine the issue of achieving the state's water quality objectives relating to livestock operations. The directors shall determine what personnel are assigned to this activity and may provide oversight to the process. In implementing this process, the directors shall involve representatives of involved agencies, stakeholders, and tribes. The topics to be considered include:*

*(a) The appropriate background and training for personnel that conduct inspections of and provide technical assistance to livestock operators and whether personnel need to be specifically trained and assigned to serve this function;*

*(b) The roles and relationships between technical assistance, inspection, and enforcement, and the concept of customer service;*

*(c) The use, availability, and limitations of DNA testing as a water quality diagnosis tool and the recommendation of water quality testing protocols needed for livestock operations investigations;*

*(d) The availability and constraints of state and federal programs for planning, installation, maintenance of conservation and pollution control practices, and review of alternative practices;*

(e) *The extent of known water quality problems relating to livestock operations;*

(f) *Best methods to achieve state water quality objectives in the context of a system that includes both regulatory and incentive-based approaches;*

(g) *A review of considerations used to determine water quality standards, including those applicable to the shellfish industry; and*

(h) *The availability of state and federal funding and whether it is being appropriately allocated.*

(2) *The directors identified in subsection (1) of this section shall develop recommendations for the administration and improvement of the program, including recommendations on the use of DNA technology. The directors shall provide a written summary of the activities and recommendations to the legislature and the governor by December 1, 2011.*

(3) *The activities under this section must be completed to the extent feasible from within existing fiscal resources available to the involved state agencies.*

(4) *This section expires December 31, 2011.*

\*Sec. 312 was vetoed. See message at end of chapter.

**PART IV  
TRANSPORTATION**

**\*NEW SECTION. Sec. 401. FOR THE DEPARTMENT OF LICENSING**

General Fund—State Appropriation (FY 2012) . . . . .	\$1,265,000
General Fund—State Appropriation (FY 2013) . . . . .	\$1,508,000
Architects' License Account—State Appropriation . . . . .	\$1,084,000
Professional Engineers' Account—State Appropriation . . . . .	\$3,524,000
Real Estate Commission Account—State Appropriation . . . . .	\$9,843,000
Uniform Commercial Code Account—State Appropriation . . . . .	\$3,126,000
Real Estate Education Account—State Appropriation . . . . .	\$276,000
Real Estate Appraiser Commission Account—State Appropriation . . . . .	\$1,687,000
Business and Professions Account—State Appropriation . . . . .	\$15,646,000
Real Estate Research Account—State Appropriation . . . . .	\$622,000
Geologists' Account—State Appropriation . . . . .	\$51,000
Derelict Vessel Removal Account—State Appropriation . . . . .	\$31,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$38,663,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Pursuant to RCW 43.135.055, the department is authorized to increase fees for collection agencies. This increase is necessary to support the expenditures authorized in this section, consistent with RCW 43.24.086.

(2) \$8,000 of the business and professions account—state appropriation is provided solely to implement Substitute Senate Bill No. 5574 (collection agencies).

(3) *\$54,000 of the business and professions account—state appropriation is provided solely to implement Substitute House Bill No. 1205 (court reporter*

*licensing). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.*

*(4) Pursuant to Substitute House Bill No. 2017 (master license program), all powers, duties, and functions of the master license service program, including all related resources, are transferred from the department of licensing to the department of revenue effective July 1, 2011. If the transfer is not complete by the effective date, the department of licensing will absorb any associated cost overruns through the department's general fund—state appropriation.*

\*Sec. 401 was partially vetoed. See message at end of chapter.

**NEW SECTION. Sec. 402. FOR THE STATE PATROL**

General Fund—State Appropriation (FY 2012) . . . . .	\$38,921,000
General Fund—State Appropriation (FY 2013) . . . . .	\$36,578,000
General Fund—Federal Appropriation . . . . .	\$16,081,000
General Fund—Private/Local Appropriation . . . . .	\$3,021,000
Death Investigations Account—State Appropriation . . . . .	\$5,572,000
County Criminal Justice Assistance Account—State Appropriation. . . . .	\$3,215,000
Municipal Criminal Justice Assistance Account—State Appropriation. . . . .	\$1,290,000
Fire Service Trust Account—State Appropriation . . . . .	\$131,000
Disaster Response Account—State Appropriation . . . . .	\$8,002,000
Fire Service Training Account—State Appropriation . . . . .	\$9,010,000
Aquatic Invasive Species Enforcement Account—State Appropriation. . . . .	\$54,000
State Toxics Control Account—State Appropriation . . . . .	\$505,000
Fingerprint Identification Account—State Appropriation. . . . .	\$8,788,000
Vehicle License Fraud Account—State Appropriation. . . . .	\$339,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$131,507,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$200,000 of the fire service training account—state appropriation is provided solely for two FTEs in the office of the state director of fire protection to exclusively review K-12 construction documents for fire and life safety in accordance with the state building code. It is the intent of this appropriation to provide these services only to those districts that are located in counties without qualified review capabilities.

(2) \$8,000,000 of the disaster response account—state appropriation is provided solely for Washington state fire service resource mobilization costs incurred in response to an emergency or disaster authorized under RCW 43.43.960 and 43.43.964. The state patrol shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on current and planned expenditures from this account. This work shall be done in coordination with the military department.

(3) \$400,000 of the fire service training account—state appropriation is provided solely for the firefighter apprenticeship training program.

(4) In accordance with RCW 43.43.742 the state patrol is authorized to increase the following fees in fiscal year 2012 as necessary to meet the actual costs of conducting business and the appropriation levels in this section: Notary service fee.

(5) \$59,000 of the fingerprint identification account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1776 (child care center licensing). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(6) \$6,000 of the fingerprint identification account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1494 (vulnerable adult referrals). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

**PART V  
EDUCATION**

**\*NEW SECTION. Sec. 501. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

General Fund—State Appropriation (FY 2012) . . . . .	\$25,701,000
General Fund—State Appropriation (FY 2013) . . . . .	\$23,052,000
General Fund—Federal Appropriation . . . . .	\$81,065,000
General Fund—Private/Local Appropriation . . . . .	\$4,000,000

TOTAL APPROPRIATION . . . . . \$133,818,000

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of \$16,450,000 of the general fund—state appropriation for fiscal year 2012 and \$13,889,000 of the general fund—state appropriation for fiscal year 2013 is for state agency operations.

(a) \$9,365,000 of the general fund—state appropriation for fiscal year 2012 and \$8,451,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for the operation and expenses of the office of the superintendent of public instruction.

(i) Within the amounts provided in this subsection (1)(a), the superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award.

(ii) By January 1, 2012, the office of the superintendent of public instruction shall issue a report to the legislature with a timeline and an estimate of costs for implementation of the common core standards. The report must incorporate feedback from an open public forum for recommendations to enhance the standards, particularly in math.

(iii) Within the amounts provided, and in consultation with the public school employees of Washington and the Washington school counselors' association, the office of the superintendent of public instruction shall develop a model policy that further defines the recommended roles and responsibilities of graduation coaches and identifies best practices for how graduation coaches work in coordination with school counselors and in the context of a comprehensive school guidance and counseling program.

*(iv) Within the amounts provided, the office of the superintendent of public instruction shall develop a new electronic certification system for educators, pursuant to Engrossed Substitute House Bill No. 1449 (educator certificate fee). The office of the superintendent of public instruction and the office of financial management shall work to allocate sufficient funding from federal grant funds for the state's P-20 longitudinal data system, to the extent allowable, for the purpose of developing and implementing a new electronic certification system.*

(v) The office of the superintendent of public instruction shall, no later than August 1, 2011, establish a standard statewide definition of unexcused absence. The definition shall be reported to the ways and means committees of the senate and house of representatives for legislative review in the 2012 legislative session. Beginning no later than January 1, 2012, districts shall report to the office of the superintendent of public instruction, daily student unexcused absence data by school.

(b) \$1,964,000 of the general fund—state appropriation for fiscal year 2012 and \$1,017,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for activities associated with the implementation of new school finance systems required by chapter 236, Laws of 2010 (K-12 education funding) and chapter 548, Laws of 2009 (state's education system), including technical staff, systems reprogramming, and workgroup deliberations, including the quality education council and the data governance working group.

(c) \$851,000 of the general fund—state appropriation for fiscal year 2012 and \$851,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities.

(d) \$1,744,000 of the general fund—state appropriation for fiscal year 2012 and \$1,362,000 of the general fund—state appropriation for fiscal year 2013 are provided solely to the professional educator standards board for the following:

(i) \$1,050,000 in fiscal year 2012 and \$1,050,000 in fiscal year 2013 are for the operation and expenses of the Washington professional educator standards board; and

(ii) \$694,000 of the general fund—state appropriation for fiscal year 2012 and \$312,000 of the general fund—state appropriation for fiscal year 2013 are for conditional scholarship loans and mentor stipends provided through the alternative routes to certification program administered by the professional educator standards board, including the pipeline for paraeducators program and the retooling to teach conditional loan programs. Funding within this subsection (1)(d)(ii) is also provided for the recruiting Washington teachers program. Funding reductions in this subsection (1)(d)(ii) in the 2011-2013 fiscal biennium are intended to be one-time.

(e) \$133,000 of the general fund—state appropriation for fiscal year 2012 and \$133,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for the implementation of chapter 240, Laws of 2010, including staffing the office of equity and civil rights.

(f) \$50,000 of the general fund—state appropriation for fiscal year 2012 and \$50,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for the ongoing work of the achievement gap oversight and accountability committee.

(g) \$45,000 of the general fund—state appropriation for fiscal year 2012 and \$45,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for the implementation of chapter 380, Laws of 2009 (enacting the interstate compact on educational opportunity for military children).

(h) \$159,000 of the general fund—state appropriation for fiscal year 2012 and \$93,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for the implementation of chapter 185, Laws of 2011 (bullying prevention), which requires the office of the superintendent of public instruction to convene an ongoing workgroup on school bullying and harassment prevention. Within the amounts provided, \$140,000 is for youth suicide prevention activities.

*(i) \$91,000 of the general fund—state appropriation for fiscal year 2012 and \$5,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for the implementation of House Bill No. 2111 (implementing selected recommendations from the 2011 report of the quality education council). If the bill is not enacted by June 30, 2011, the amounts provided in this subsection shall lapse.*

(j) \$1,227,000 of the general fund—state appropriation for fiscal year 2012 and \$1,227,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for implementing a comprehensive data system to include financial, student, and educator data, including development and maintenance of the comprehensive education data and research system (CEDARS).

(k) \$25,000 of the general fund—state appropriation for fiscal year 2012 and \$25,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for project citizen, a program sponsored by the national conference of state legislatures and the center for civic education to promote participation in government by middle school students.

(l) \$166,000 of the general fund—state appropriation for fiscal year 2012 is provided solely for the implementation of chapter 192, Laws of 2011 (school district insolvency). Funding is provided to develop a clear legal framework and process for dissolution of a school district.

(2) \$9,267,000 of the general fund—state appropriation for fiscal year 2012 and \$9,167,000 of the general fund—state appropriation for fiscal year 2013 are for statewide programs.

(a) HEALTH AND SAFETY

(i) \$2,541,000 of the general fund—state appropriation for fiscal year 2012 and \$2,541,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(ii) \$50,000 of the general fund—state appropriation for fiscal year 2012 and \$50,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for a nonviolence and leadership training program provided by the institute for community leadership.

(b) TECHNOLOGY

\$1,221,000 of the general fund—state appropriation for fiscal year 2012 and \$1,221,000 of the general fund—state appropriation for fiscal year 2013 are

provided solely for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(c) GRANTS AND ALLOCATIONS

(i) \$675,000 of the general fund—state appropriation for fiscal year 2012 and \$675,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for the Washington state achievers scholarship program. The funds shall be used to support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars.

(ii) \$1,000,000 of the general fund—state appropriation for fiscal year 2012 and \$1,000,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for contracting with a college scholarship organization with expertise in conducting outreach to students concerning eligibility for the Washington college bound scholarship consistent with chapter 405, Laws of 2007.

(iii) \$2,808,000 of the general fund—state appropriation for fiscal year 2012 and \$2,808,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for the dissemination of the navigation 101 curriculum to all districts. The funding shall support electronic student planning tools and software for analyzing the impact of navigation 101 on student performance, as well as grants to a maximum of one hundred school districts each year, based on progress and need for the implementation of the navigation 101 program. The implementation grants shall be awarded to a cross-section of school districts reflecting a balance of geographic and demographic characteristics. Within the amounts provided, the office of the superintendent of public instruction will create a navigation 101 accountability model to analyze the impact of the program.

(iv) \$337,000 of the general fund—state appropriation for fiscal year 2012 and \$337,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for implementation of the building bridges statewide program for comprehensive dropout prevention, intervention, and reengagement strategies.

(v) \$135,000 of the general fund—state appropriation for fiscal year 2012 and \$135,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for dropout prevention programs at the office of the superintendent of public instruction, including the jobs for America's graduates (JAG) program.

(vi) \$500,000 of the general fund—state appropriation for fiscal year 2012 and \$400,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for the implementation of chapter 340, Laws of 2011 (assessment of students in state-funded full-day kindergarten classrooms), including the development and implementation of the Washington kindergarten inventory of developing skills (WaKIDS).

\*Sec. 501 was partially vetoed. See message at end of chapter.

**NEW SECTION. Sec. 502. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT**

General Fund—State Appropriation (FY 2012) . . . . .	\$5,242,704,000
General Fund—State Appropriation (FY 2013) . . . . .	\$5,217,070,000
TOTAL APPROPRIATION . . . . .	\$10,459,774,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) For the 2011-12 and 2012-13 school years, the superintendent shall allocate general apportionment funding to school districts as provided in the funding formulas and salary schedules in sections 502 and 503 of this act, excluding (c) of this subsection.

(c) From July 1, 2011 to August 31, 2011, the superintendent shall allocate general apportionment funding to school districts programs as provided in sections 502 and 504, chapter 564, Laws of 2009, as amended through sections 1402 and 1403 of this act.

**(2) CERTIFICATED INSTRUCTIONAL STAFF ALLOCATIONS**

Allocations for certificated instructional staff salaries for the 2011-12 and 2012-13 school years are determined using formula-generated staff units calculated pursuant to this subsection.

(a) Certificated instructional staff units, as defined in RCW 28A.150.410, shall be allocated to reflect the minimum class size allocations, requirements, and school prototypes assumptions as provided in RCW 28A.150.260. The superintendent shall adjust allocations to school districts based on the district's annual average full-time equivalent student enrollment in each grade.

(b) Additional certificated instructional staff units provided in this subsection (2) that exceed the minimum requirements in RCW 28A.150.260 are enhancements outside the program of basic education, except as otherwise provided in this section.

(c)(i) The superintendent shall base allocations for each level of prototypical school on the following regular education average class size of full-time equivalent students per teacher, except as provided in (c)(ii) of this subsection:

General education class size:		
Grade		RCW 28A.150.260
Grades K-3	.....	25.23
Grade 4	.....	27.00
Grades 5-6	.....	27.00
Grades 7-8	.....	28.53
Grades 9-12	.....	28.74

The superintendent shall base allocations for career and technical education (CTE) and skill center programs average class size as provided in RCW 28A.150.260.



(ii) For each level of prototypical school at which more than fifty percent of the students were eligible for free and reduced-price meals in the prior school year, the superintendent shall allocate funding based on the following average class size of full-time equivalent students per teacher:

General education class size in high poverty school:		
Grades K-3	.....	24.10
Grade 4	.....	27.00
Grades 5-6	.....	27.00
Grades 7-8	.....	28.53
Grades 9-12	.....	28.74

(iii) Pursuant to RCW 28A.150.260(4)(a), the assumed teacher planning period, expressed as a percentage of a teacher work day, is 13.42 percent in grades K-6, and 16.67 percent in grades 7-12; and

(iv) Laboratory science, advanced placement, and international baccalaureate courses are funded at the same class size assumptions as general education schools in the same grade; and

(d)(i) Funding for teacher librarians, school nurses, social workers, school psychologists, and guidance counselors is allocated based on the school prototypes as provided in RCW 28A.150.260 and is considered certificated instructional staff, except as provided in (d)(ii) of this subsection.

(ii) Students in approved career and technical education and skill center programs generate certificated instructional staff units to provide for the services of teacher librarians, school nurses, social workers, school psychologists, and guidance counselors at the following combined rate per 1000 students:

Career and Technical Education	
students	.....2.02 per 1000 student FTE's
Skill Center students	.....2.36 per 1000 student FTE's

(3) ADMINISTRATIVE STAFF ALLOCATIONS

(a) Allocations for school building-level certificated administrative staff salaries for the 2011-12 and 2012-13 school years for general education students are determined using the formula-generated staff units provided in RCW 28A.150.260, and adjusted based on a district's annual average full-time equivalent student enrollment in each grade.

(b) Students in approved career and technical education and skill center programs generate certificated school building-level administrator staff units at per student rates that exceed the general education rate in (a) of this subsection by the following percentages:

Career and Technical Education students	.....2.5 percent
Skill Center students	..... 19.75 percent

(4) CLASSIFIED STAFF ALLOCATIONS

Allocations for classified staff units providing school building-level and district-wide support services for the 2011-12 and 2012-13 school years are determined using the formula-generated staff units provided in RCW

28A.150.260, and adjusted based on each district's annual average full-time equivalent student enrollment in each grade.

**(5) CENTRAL OFFICE ALLOCATIONS**

In addition to classified and administrative staff units allocated in subsections (3) and (4) of this section, classified and administrative staff units are provided for the 2011-12 and 2012-13 school year for the central office administrative costs of operating a school district, at the following rates:

(a) The total central office staff units provided in this subsection (5) are calculated by first multiplying the total number of eligible certificated instructional, certificated administrative, and classified staff units providing school-based or district-wide support services, as identified in RCW 28A.150.260(6)(b), by 5.3 percent.

(b) Of the central office staff units calculated in (a) of this subsection, 74.53 percent are allocated as classified staff units, as generated in subsection (4) of this section, and 25.47 percent shall be allocated as administrative staff units, as generated in subsection (3) of this section.

(c) Staff units generated as enhancements outside the program of basic education to the minimum requirements of RCW 28A.150.260, and staff units generated by skill center and career-technical students, are excluded from the total central office staff units calculation in (a) of this subsection.

(d) For students in approved career-technical and skill center programs, central office classified units are allocated at the same staff unit per student rate as those generated for general education students of the same grade in this subsection (5), and central office administrative staff units are allocated at staff unit per student rates that exceed the general education rate established for students in the same grade in this subsection (5) by 3.69 percent for career and technical education students, and 21.92 percent for skill center students.

**(6) FRINGE BENEFIT ALLOCATIONS**

Fringe benefit allocations shall be calculated at a rate of 16.49 percent in the 2011-12 school year and 16.50 percent in the 2012-13 school year for certificated salary allocations provided under subsections (2), (3), and (5) of this section, and a rate of 18.86 percent in the 2011-12 school year and 18.88 percent in the 2012-13 school year for classified salary allocations provided under subsections (4) and (5) of this section.

**(7) INSURANCE BENEFIT ALLOCATIONS**

Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504 of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsections (2), (3), and (5) of this section; and

(b) The number of classified staff units determined in subsections (4) and (5) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(8) MATERIALS, SUPPLIES, AND OPERATING COSTS (MSOC) ALLOCATIONS

Funding is allocated per annual average full-time equivalent student for the materials, supplies, and operating costs (MSOC) incurred by school districts, consistent with the requirements of RCW 28A.150.260.

(a) MSOC funding for general education students are allocated at the following per student rates:

MSOC RATES/STUDENT FTE

MSOC Component	2011-12 SCHOOL YEAR	2012-13 SCHOOL YEAR
Technology	\$57.02	\$57.99
Utilities and Insurance	\$154.93	\$157.56
Curriculum and Textbooks	\$61.22	\$62.26
Other Supplies and Library Materials	\$129.97	\$132.18
Instructional Professional Development for Certificated and Classified Staff	\$9.47	\$9.63
Facilities Maintenance	\$76.75	\$78.06
Security and Central Office	\$53.17	\$54.08
TOTAL BASIC EDUCATION MSOC/ STUDENT FTE	\$542.53	\$551.76

(b) Students in approved skill center programs generate per student FTE MSOC allocations which equal the rate for general education students calculated in (a) of this subsection, multiplied by a factor of 2.187.

(c) Students in approved exploratory and preparatory career and technical education programs generate a per student MSOC allocation that is equal to the rate for general education students calculated in (a) of this subsection, multiplied by a factor of 2.459.

(d) Students in laboratory science courses generate per student FTE MSOC allocations which equal the per student FTE rate for general education students established in (a) of this subsection.

(9) SUBSTITUTE TEACHER ALLOCATIONS

For the 2011-12 and 2012-13 school years, funding for substitute costs for classroom teachers is based on four (4) funded substitute days per classroom teacher unit generated under subsection (2) of this section, at a daily substitute rate of \$151.86.

(10) ALTERNATIVE LEARNING EXPERIENCE PROGRAM FUNDING

(a) Amounts provided in this section are adjusted to reflect provisions of House Bill No. 2065 (allocation of funding for funding for students enrolled in alternative learning experiences).

(b) The superintendent of public instruction shall require all districts receiving general apportionment funding for alternative learning experience (ALE) programs as defined in WAC 392-121-182 to provide separate financial accounting of expenditures for the ALE programs offered in district or with a provider, including but not limited to private companies and multidistrict cooperatives, as well as accurate, monthly headcount and FTE enrollment claimed for basic education, including separate counts of resident and nonresident students.

(11) VOLUNTARY FULL DAY KINDERGARTEN PROGRAMS

Funding in this section is sufficient to fund voluntary full day kindergarten programs in qualifying high poverty schools, pursuant to RCW 28A.150.220 and 28A.150.315. Each kindergarten student who enrolls for the voluntary full-day program in a qualifying school shall count as one-half of one full-time equivalent student for purpose of making allocations under this section. Funding in this section provides full-day kindergarten programs for 21 percent of kindergarten enrollment in the 2011-12 school year, and 22 percent in the 2012-13 school year. Funding priority shall be given to schools with the highest poverty levels, as measured by prior year free and reduced price lunch eligibility rates in each school. Funding in this section is sufficient to fund voluntary full day kindergarten programs for July and August of the 2010-11 school year.

(12) ADDITIONAL FUNDING FOR SMALL SCHOOL DISTRICTS AND REMOTE AND NECESSARY PLANTS

For small school districts and remote and necessary school plants within any district which have been judged to be remote and necessary by the superintendent of public instruction, additional staff units are provided to ensure a minimum level of staffing support. Additional administrative and certificated instructional staff units provided to districts in this subsection shall be reduced by the general education staff units, excluding career and technical education and skills center enhancement units, otherwise provided in subsections (2) through (5) of this section on a per district basis.

(a) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the superintendent of public instruction and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(b) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-

8 and have been judged to be remote and necessary by the superintendent of public instruction:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(c) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full-time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full-time equivalent students;

(d) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit;

(e) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit;

(f)(i) For enrollments generating certificated staff unit allocations under (a) through (e) of this subsection, one classified staff unit for each 2.94 certificated staff units allocated under such subsections;

(ii) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit; and

(g) School districts receiving additional staff units to support small student enrollments and remote and necessary plants under subsection (12) of this section shall generate additional MSOC allocations consistent with the nonemployee related costs (NERC) allocation formula in place for the 2010-11 school year as provided section 502, chapter 37, Laws of 2010 1st sp. sess. (2010 supplemental budget), adjusted annually for inflation.

(13) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(14) The superintendent may distribute funding for the following programs outside the basic education formula during fiscal years 2012 and 2013 as follows:

(a) \$589,000 of the general fund—state appropriation for fiscal year 2012 and \$599,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW.

(b) \$436,000 of the general fund—state appropriation for fiscal year 2012 and \$436,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs.

(c) Funding in this section is sufficient to fund adjustments to school districts' allocations resulting from the implementation of the prototypical school funding formula, pursuant to chapter 236, Laws of 2010 (K-12 education funding). The funding in this section is intended to hold school districts harmless in total for funding changes resulting from conversion to the prototypical school formula in the general apportionment program, the learning assistance program, the transitional bilingual program, and the highly capable program, after adjustment for changes in enrollment and other caseload adjustments.

(15) \$208,000 of the general fund—state appropriation for fiscal year 2012 and \$211,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for school district emergencies as certified by the superintendent of public instruction. At the close of the fiscal year the superintendent of public instruction shall report to the office of financial management and the appropriate fiscal committees of the legislature on the allocations provided to districts and the nature of the emergency.

(16) Amounts in this section include adjustments made by the superintendent of public instruction for the repayment of financial contingency funds allocated in fiscal year 2011, as specified in section 501 of the 2011 supplemental budget. For any amount allocated to a district in state fiscal year 2011, the superintendent of public instruction shall deduct in state fiscal year 2012 from the district's general apportionment the amount of the emergency contingency allocation and any earnings by the school district on the investment of a temporary cash surplus due to the emergency contingency allocation. Repayments or advances will be accomplished by a reduction in the school district's apportionment payments on or before June 30th of the school year following the distribution of the emergency contingency allocation. All disbursements, repayments, and outstanding allocations to be repaid of the emergency contingency pool shall be reported to the office of financial management and the appropriate fiscal committees of the legislature on July 1st and January 1st of each year.

(17) Funding in this section is sufficient to fund a maximum of 1.6 FTE enrollment for skills center students pursuant to chapter 463, Laws of 2007.

(18) Beginning in the 2011-12 school year, students participating in running start programs may be funded up to a combined maximum enrollment of 1.2 FTE including school district and institution of higher education enrollment. Additionally, the office of the superintendent of public instruction, in consultation with the state board for community and technical colleges, the higher education coordinating board, and the education data center, shall annually track and report to the fiscal committees of the legislature on the combined FTE experience of students participating in the running start program, including course load analyses at both the high school and community and technical college system.

(19) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (12) of this section, the following apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (12) of this section shall be reduced in increments of twenty percent per year.

(20)(a) Indirect cost charges by a school district to approved career and technical education middle and secondary programs shall not exceed 15 percent of the combined basic education and career and technical education program enhancement allocations of state funds. Middle and secondary career and technical education programs are considered separate programs for funding and financial reporting purposes under this section.

(b) Career and technical education program full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported career and technical education program enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support.

**NEW SECTION. Sec. 503. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BASIC EDUCATION EMPLOYEE COMPENSATION**

(1) The following calculations determine the salaries used in the state allocations for certificated instructional, certificated administrative, and classified staff units as provided in RCW 28A.150.280 and under section 503 of this act:

(a) Salary allocations for certificated instructional staff units are determined for each district by multiplying the district's certificated instructional total base salary shown on LEAP Document 2 by the district's average staff mix factor for certificated instructional staff in that school year, computed using LEAP document 1; and

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(b) Salary allocations for certificated administrative staff units and classified staff units for each district are determined based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 2.

(2) For the purposes of this section:

(a) "LEAP Document 1" means the staff mix factors for certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on May 23, 2011, at 16:10 hours; and

(b) "LEAP Document 2" means the school year salary allocations for certificated administrative staff and classified staff and derived and total base salaries for certificated instructional staff as developed by the legislative evaluation and accountability program committee on May 23, 2011, at 16:10 hours.

(3) Incremental fringe benefit factors are applied to salary adjustments at a rate of 15.85 percent for school year 2011-12 and 15.86 percent for school year 2012-13 for certificated instructional and certificated administrative staff and 15.36 percent for school year 2011-12 and 15.38 percent for the 2012-13 school year for classified staff.

(4)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations:

Table Of Total Base Salaries For Certificated Instructional Staff For School Year 2011-12  
 \*\*\*Education Experience\*\*\*

Years of Service	BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	MA+90 OR Ph.D.
0	33,401	34,303	35,238	36,175	39,180	41,116	40,045	43,051	44,989
1	33,851	34,765	35,712	36,690	39,727	41,652	40,490	43,527	45,452
2	34,279	35,202	36,159	37,212	40,241	42,186	40,938	43,966	45,912
3	34,720	35,653	36,620	37,706	40,729	42,722	41,363	44,384	46,377
4	35,153	36,127	37,099	38,224	41,264	43,271	41,808	44,849	46,857
5	35,600	36,578	37,561	38,748	41,777	43,824	42,261	45,291	47,339
6	36,060	37,017	38,032	39,279	42,293	44,352	42,725	45,740	47,797
7	36,868	37,839	38,868	40,182	43,241	45,356	43,594	46,652	48,768
8	38,050	39,074	40,127	41,550	44,651	46,844	44,961	48,063	50,254
9		40,353	41,459	42,933	46,106	48,373	46,343	49,518	51,785
10			42,806	44,387	47,602	49,945	47,798	51,014	53,356
11				45,883	49,169	51,558	49,295	52,581	54,969
12				47,332	50,777	53,238	50,850	54,188	56,650
13					52,425	54,959	52,460	55,836	58,370
14					54,081	56,745	54,117	57,600	60,157
15					55,488	58,221	55,523	59,098	61,721
16 or more					56,597	59,385	56,634	60,279	62,955



Table Of Total Base Salaries For Certificated Instructional Staff For School Year 2012-13  
 \*\*\*Education Experience\*\*\*

Years of Service	MA+90 OR Ph.D.								
	BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	Ph.D.
0	33,401	34,303	35,238	36,175	39,180	41,116	40,045	43,051	44,989
1	33,851	34,765	35,712	36,690	39,727	41,652	40,490	43,527	45,452
2	34,279	35,202	36,159	37,212	40,241	42,186	40,938	43,966	45,912
3	34,720	35,653	36,620	37,706	40,729	42,722	41,363	44,384	46,377
4	35,153	36,127	37,099	38,224	41,264	43,271	41,808	44,849	46,857
5	35,600	36,578	37,561	38,748	41,777	43,824	42,261	45,291	47,339
6	36,060	37,017	38,032	39,279	42,293	44,352	42,725	45,740	47,797
7	36,868	37,839	38,868	40,182	43,241	45,356	43,594	46,652	48,768
8	38,050	39,074	40,127	41,550	44,651	46,844	44,961	48,063	50,254
9		40,353	41,459	42,933	46,106	48,373	46,343	49,518	51,785
10			42,806	44,387	47,602	49,945	47,798	51,014	53,356
11				45,883	49,169	51,558	49,295	52,581	54,969
12				47,332	50,777	53,238	50,850	54,188	56,650
13					52,425	54,959	52,460	55,836	58,370
14					54,081	56,745	54,117	57,600	60,157
15					55,488	58,221	55,523	59,098	61,721
16 or more					56,597	59,385	56,634	60,279	62,955

(b) As used in this subsection, the column headings "BA+(N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+(N)" refer to the total of:

- (i) Credits earned since receiving the masters degree; and
- (ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(5) For the purposes of this section:

- (a) "BA" means a baccalaureate degree.
- (b) "MA" means a masters degree.
- (c) "PHD" means a doctorate degree.

(d) "Years of service" shall be calculated under the same rules adopted by the superintendent of public instruction.

(e) "Credits" means college quarter hour credits and equivalent in-service credits computed in accordance with RCW 28A.415.020 and 28A.415.023.

(6) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this part V, or any replacement schedules and documents, unless:

- (a) The employee has a masters degree; or

(b) The credits were used in generating state salary allocations before January 1, 1992.

(7) The salary allocation schedules established in this section are for allocation purposes only except as provided in RCW 28A.400.200(2).

**NEW SECTION. Sec. 504. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS**

General Fund—Federal Appropriation . . . . . \$2,000

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) Additional salary adjustments as necessary to fund the base salaries for certificated instructional staff as listed for each district in LEAP Document 2, defined in section 504(2)(b) of this act. Allocations for these salary adjustments shall be provided to all districts that are not grandfathered to receive salary allocations above the statewide salary allocation schedule, and to certain grandfathered districts to the extent necessary to ensure that salary allocations for districts that are currently grandfathered do not fall below the statewide salary allocation schedule.

(b) Additional salary adjustments to certain districts as necessary to fund the per full-time-equivalent salary allocations for certificated administrative staff as listed for each district in LEAP Document 2, defined in section 504(2)(b) of this act.

(c) Additional salary adjustments to certain districts as necessary to fund the per full-time-equivalent salary allocations for classified staff as listed for each district in LEAP Document 2, defined in section 504(2)(b) of this act.

(d) The appropriations in this subsection (1) include associated incremental fringe benefit allocations at 15.85 percent for the 2011-12 school year and 15.86 percent for the 2012-13 school year for certificated instructional and certificated administrative staff and 15.36 percent for the 2011-12 school year and 15.38 percent for the 2012-13 school year for classified staff.

(e) The appropriations in this section include the increased or decreased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Changes for general apportionment (basic education) are based on the salary allocation schedules and methodology in sections 503 and 504 of this act. Changes for special education result from changes in each district's basic education allocation per student. Changes for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in sections 503 and 504 of this act.

(f) The appropriations in this section include no salary adjustments for substitute teachers.

(2) The maintenance rate for insurance benefit allocations is \$768.00 per month for the 2011-12 and 2012-13 school years. The appropriations in this section reflect the incremental change in cost of allocating rates of \$768.00 per month for the 2011-12 school year and \$768.00 per month for the 2012-13 school year.

(3) The rates specified in this section are subject to revision each year by the legislature.

**NEW SECTION. Sec. 505. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION**

General Fund—State Appropriation (FY 2012) . . . . .	\$323,759,000
General Fund—State Appropriation (FY 2013) . . . . .	\$326,054,000
TOTAL APPROPRIATION . . . . .	\$649,813,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2011-12 and 2012-13 school years, the superintendent shall allocate funding to school district programs for the transportation of students as provided in RCW 28A.160.192.

(b) From July 1, 2011 to August 31, 2011, the superintendent shall allocate funding to school districts programs for the transportation of students as provided in section 505, chapter 564, Laws of 2009, as amended through section 1404 of this act.

(3) Any amounts appropriated for maintenance level funding for pupil transportation that exceed actual maintenance level expenditures as calculated under the funding formula that takes effect September 1, 2011, shall be distributed to districts according to RCW 28A.160.192(2)(b).

(4) A maximum of \$892,000 of this fiscal year 2012 appropriation and a maximum of \$892,000 of the fiscal year 2013 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(5) The office of the superintendent of public instruction shall provide reimbursement funding to a school district for school bus purchases only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195.

(6) The superintendent of public instruction shall base depreciation payments for school district buses on the pre-sales tax five-year average of lowest bids in the appropriate category of bus. In the final year on the depreciation schedule, the depreciation payment shall be based on the lowest bid in the appropriate bus category for that school year.

(7) Funding levels in this section reflect waivers granted by the state board of education for four-day school weeks as allowed under RCW 28A.305.141.

**NEW SECTION. Sec. 506. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL FOOD SERVICE PROGRAMS**

General Fund—State Appropriation (FY 2012) . . . . .	\$7,111,000
General Fund—State Appropriation (FY 2013) . . . . .	\$7,111,000
General Fund—Federal Appropriation . . . . .	\$437,988,000
TOTAL APPROPRIATION . . . . .	\$452,210,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$7,111,000 of the general fund—state appropriation for fiscal year 2012 and \$7,111,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for state matching money for federal child nutrition programs, and may support the meals for kids program through the following allowable uses:

(a) Elimination of breakfast copays for eligible public school students and lunch copays for eligible public school students in grades kindergarten through third grade who are eligible for reduced price lunch;

(b) Assistance to school districts and authorized public and private nonprofit organizations for supporting summer food service programs, and initiating new summer food service programs in low-income areas;

(c) Reimbursements to school districts for school breakfasts served to students eligible for free and reduced price lunch, pursuant to chapter 287, Laws of 2005; and

(d) Assistance to school districts in initiating and expanding school breakfast programs.

The office of the superintendent of public instruction shall report annually to the fiscal committees of the legislature on annual expenditures in (a), (b), and (c) of this subsection.

**NEW SECTION. Sec. 507. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL EDUCATION PROGRAMS**

General Fund—State Appropriation (FY 2012) . . . . .	\$659,950,000
General Fund—State Appropriation (FY 2013) . . . . .	\$689,480,000
General Fund—Federal Appropriation . . . . .	\$691,796,000
Education Legacy Trust Account—State Appropriation . . . . .	\$756,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$2,041,982,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 502 and 504 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(2)(a) The superintendent of public instruction shall ensure that:

(i) Special education students are basic education students first;

(ii) As a class, special education students are entitled to the full basic education allocation; and

(iii) Special education students are basic education students for the entire school day.

(b) The superintendent of public instruction shall continue to implement the full cost method of excess cost accounting, as designed by the committee and recommended by the superintendent, pursuant to section 501(1)(k), chapter 372, Laws of 2006.

(c) Beginning with the 2010-11 school year award cycle, the office of the superintendent of public instruction shall make award determinations for state safety net funding in August of each school year. Determinations on school district eligibility for state safety net awards shall be based on analysis of actual expenditure data from the current school year.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4)(a) For the 2011-12 and 2012-13 school years, the superintendent shall allocate funding to school district programs for special education students as provided in RCW 28A.150.390.

(b) From July 1, 2011 to August 31, 2011, the superintendent shall allocate funding to school district programs for special education students as provided in section 507, chapter 564, Laws of 2009, as amended through section 1406 of this act.

(5) The following applies throughout this section: The definitions for enrollment and enrollment percent are as specified in RCW 28A.150.390(3). Each district's general fund—state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 12.7 percent.

(6) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with RCW 28A.150.390(3) (c) and (d), and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(7) \$16,404,000 of the general fund—state appropriation for fiscal year 2012, \$30,807,000 of the general fund—state appropriation for fiscal year 2013, and \$29,574,000 of the general fund—federal appropriation are provided solely for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided in subsection (4) of this section. If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in this subsection (7) in any fiscal year, the superintendent shall expend all available federal discretionary funds necessary to meet this need. At the conclusion of each school year, the superintendent shall recover safety net funds that were distributed prospectively but for which districts were not subsequently eligible.

(a) For the 2011-12 and 2012-13 school years, safety net funds shall be awarded by the state safety net oversight committee as provided in section 109(1) chapter 548, Laws of 2009 (ESHB 2261).

(b) From July 1, 2011 to August 31, 2011, the superintendent shall operate the safety net oversight committee and shall award safety net funds as provided in section 507, chapter 564, Laws of 2009, as amended through section 1406 of this act.

(8) A maximum of \$678,000 may be expended from the general fund—state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(9) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(10) A school district may carry over from one year to the next year up to 10 percent of the general fund—state funds allocated under this program; however, carryover funds shall be expended in the special education program.

(11) \$251,000 of the general fund—state appropriation for fiscal year 2012 and \$251,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for two additional full-time equivalent staff to support the work of the safety net committee and to provide training and support to districts applying for safety net awards.

(12) \$50,000 of the general fund—state appropriation for fiscal year 2012, \$50,000 of the general fund—state appropriation for fiscal year 2013, and \$100,000 of the general fund—federal appropriation shall be expended to support a special education ombudsman program within the office of superintendent of public instruction.

**NEW SECTION. Sec. 508. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL SERVICE DISTRICTS**

General Fund—State Appropriation (FY 2012) . . . . .	\$7,898,000
General Fund—State Appropriation (FY 2013) . . . . .	\$7,917,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$15,815,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) Funding within this section is provided for regional professional development related to mathematics and science curriculum and instructional strategies. Funding shall be distributed among the educational service districts in the same proportion as distributions in the 2007-2009 biennium. Each educational service district shall use this funding solely for salary and benefits for a certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support.

(3) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.310.340, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

**NEW SECTION. Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR LOCAL EFFORT ASSISTANCE**

General Fund—State Appropriation (FY 2012) . . . . .	\$303,337,000
General Fund—State Appropriation (FY 2013) . . . . .	\$308,445,000

TOTAL APPROPRIATION . . . . . \$611,782,000

The appropriations in this section are subject to the following conditions and limitations: For purposes of RCW 84.52.0531, the increase per full-time equivalent student is 3 percent from the 2010-11 school year to the 2011-12 school year and 5 percent from the 2011-12 school year to the 2012-13 school year.

**NEW SECTION. Sec. 510. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INSTITUTIONAL EDUCATION PROGRAMS**

General Fund—State Appropriation (FY 2012) . . . . . \$16,420,000  
 General Fund—State Appropriation (FY 2013) . . . . . \$16,190,000  
 TOTAL APPROPRIATION . . . . . \$32,610,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund—state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) \$509,000 of the general fund—state appropriation for fiscal year 2012 and \$509,000 of the general fund—state appropriation for fiscal year 2013 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, programs for juveniles under the juvenile rehabilitation administration, and programs for juveniles operated by city and county jails.

(6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

**NEW SECTION. Sec. 511. FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS**

General Fund—State Appropriation (FY 2012) . . . . . \$8,741,000  
 General Fund—State Appropriation (FY 2013) . . . . . \$8,794,000  
 TOTAL APPROPRIATION . . . . . \$17,535,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2011-12 and 2012-13 school years, the superintendent shall allocate funding to school district programs for highly capable students as provided in RCW 28A.150.260(10)(c). In calculating the allocations, the superintendent shall assume the following: (i) Additional instruction of 2.1590 hours per week per funded highly capable program student; (ii) fifteen highly capable program students per teacher; (iii) 36 instructional weeks per year; (iv) 900 instructional hours per teacher; and (v) the district's average staff mix and compensation rates as provided in sections 503 and 504 of this act.

(b) From July 1, 2011, to August 31, 2011, the superintendent shall allocate funding to school districts programs for highly capable students as provided in section 511, chapter 564, Laws of 2009, as amended through section 1409 of this act.

(3) \$85,000 of the general fund—state appropriation for fiscal year 2012 and \$85,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for the centrum program at Fort Worden state park.

**NEW SECTION. Sec. 512. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR MISCELLANEOUS—NO CHILD LEFT BEHIND ACT**

General Fund—Federal Appropriation . . . . . \$7,352,000

**NEW SECTION. Sec. 513. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—EDUCATION REFORM PROGRAMS**

General Fund—State Appropriation (FY 2012) . . . . . \$58,078,000  
General Fund—State Appropriation (FY 2013) . . . . . \$98,491,000  
General Fund—Federal Appropriation . . . . . \$103,161,000  
General Fund—Private/Local Appropriation . . . . . \$4,000,000  
Education Legacy Trust Account—State Appropriation . . . . . \$1,598,000  
TOTAL APPROPRIATION . . . . . \$265,328,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$40,822,000 of the general fund—state appropriation for fiscal year 2012, \$41,613,000 of the general fund—state appropriation for fiscal year 2013, \$1,350,000 of the education legacy trust account—state appropriation, and \$15,868,000 of the general fund—federal appropriation are provided solely for development and implementation of the Washington state assessment system, including: (a) Development and implementation of retake assessments for high school students who are not successful in one or more content areas and (b) development and implementation of alternative assessments or appeals procedures to implement the certificate of academic achievement. The superintendent of public instruction shall report quarterly on the progress on development and implementation of alternative assessments or appeals procedures. Within these amounts, the superintendent of public instruction shall contract for the early return of 10th grade student assessment results, on or



around June 10th of each year. State funding shall be limited to one collection of evidence payment per student, per content-area assessment.

(2) \$356,000 of the general fund—state appropriation for fiscal year 2012 and \$356,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for the Washington state leadership and assistance for science education reform (LASER) regional partnership activities coordinated at the Pacific science center, including instructional material purchases, teacher and principal professional development, and school and community engagement events.

(3) \$980,000 of the general fund—state appropriation for fiscal year 2012 and \$980,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for improving technology infrastructure, monitoring and reporting on school district technology development, promoting standards for school district technology, promoting statewide coordination and planning for technology development, and providing regional educational technology support centers, including state support activities, under chapter 28A.650 RCW.

(4) \$3,852,000 of the general fund—state appropriation for fiscal year 2012 and \$2,624,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for continued implementation of chapter 235, Laws of 2010 (education reform) including development of new performance-based evaluation systems for certificated educators.

(5)(a) \$40,863,000 of the general fund—state appropriation for fiscal year 2013 is provided solely for the following bonuses for teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching in a Washington public school, subject to the following conditions and limitations:

(i) For national board certified teachers, a bonus of \$5,090 per teacher in the 2011-12 and 2012-13 school years, adjusted for inflation in each school year in which Initiative 732 cost of living adjustments are provided;

(ii) An additional \$5,000 annual bonus shall be paid to national board certified teachers who teach in either: (A) High schools where at least 50 percent of student headcount enrollment is eligible for federal free or reduced price lunch, (B) middle schools where at least 60 percent of student headcount enrollment is eligible for federal free or reduced price lunch, or (C) elementary schools where at least 70 percent of student headcount enrollment is eligible for federal free or reduced price lunch;

(iii) The superintendent of public instruction shall adopt rules to ensure that national board certified teachers meet the qualifications for bonuses under (a)(ii) of this subsection for less than one full school year receive bonuses in a pro-rated manner. Beginning in the 2011-12 school year, all bonuses in (a)(i) and (ii) of this subsection will be paid in July of each school year. Bonuses in (a)(i) and (ii) of this subsection shall be reduced by a factor of 40 percent for first year NBPTS certified teachers, to reflect the portion of the instructional school year they are certified; and

(iv) During the 2011-12 and 2012-13 school years, and within available funds, certificated instructional staff who have met the eligibility requirements and have applied for certification from the national board for professional teaching standards may receive a conditional loan of two thousand dollars or the amount set by the office of the superintendent of public instruction to contribute

toward the current assessment fee, not including the initial up-front candidacy payment. The fee shall be an advance on the first annual bonus under RCW 28A.405.415. The conditional loan is provided in addition to compensation received under a district's salary schedule and shall not be included in calculations of a district's average salary and associated salary limitation under RCW 28A.400.200. Recipients who fail to receive certification after three years are required to repay the conditional loan. The office of the superintendent of public instruction shall adopt rules to define the terms for initial grant of the assessment fee and repayment, including applicable fees. To the extent necessary, the superintendent may use revenues from the repayment of conditional loan scholarships to ensure payment of all national board bonus payments required by this section in each school year.

(6) \$477,000 of the general fund—state appropriation for fiscal year 2012 and \$477,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(7) \$950,000 of the general fund—state appropriation for fiscal year 2012 and \$950,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for the Washington reading corps. The superintendent shall allocate reading corps members to low-performing schools and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs.

(8) \$810,000 of the general fund—state appropriation for fiscal year 2012 and \$810,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for the development of a leadership academy for school principals and administrators. The superintendent of public instruction shall contract with an independent organization to design, field test, and implement a state-of-the-art education leadership academy that will be accessible throughout the state. Initial development of the content of the academy activities shall be supported by private funds. Semiannually the independent organization shall report on amounts committed by foundations and others to support the development and implementation of this program. Leadership academy partners shall include the state level organizations for school administrators and principals, the superintendent of public instruction, the professional educator standards board, and others as the independent organization shall identify.

(9) \$3,234,000 of the general fund—state appropriation for fiscal year 2012 and \$3,234,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible.

(10) \$1,500,000 of the general fund—state appropriation for fiscal year 2012 and \$1,500,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for the implementation of chapter 288, Laws of 2011 (actual student success program), including allocations to the opportunity internship program, the jobs for America's graduates program, the building bridges program, services provided by a college scholarship organization.

Funding shall not be used in the 2011-2013 fiscal biennium to provide awards for schools and school districts.

(11) \$843,000 of the general fund—state appropriation for fiscal year 2012, \$848,000 of the general fund—state appropriation for fiscal year 2013, and \$247,000 of the education legacy trust account—state appropriation are for administrative support of education reform programs.

(12) \$2,000,000 of the general fund—state appropriation for fiscal year 2012 and \$2,000,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for a statewide information technology (IT) academy program. This public-private partnership will provide educational software, as well as IT certification and software training opportunities for students and staff in public schools.

(13) \$977,000 of the general fund—state appropriation for fiscal year 2012 and \$977,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for secondary career and technical education grants pursuant to chapter 170, Laws of 2008. If equally matched by private donations, \$300,000 of the 2012 appropriation and \$300,000 of the 2013 appropriation shall be used to support FIRST robotics programs.

(14) \$125,000 of the general fund—state appropriation for fiscal year 2012 and \$125,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for (a) staff at the office of the superintendent of public instruction to coordinate and promote efforts to develop integrated math, science, technology, and engineering programs in schools and districts across the state; and (b) grants of \$2,500 to provide twenty middle and high school teachers each year with professional development training for implementing integrated math, science, technology, and engineering programs in their schools.

(15) \$135,000 of the general fund—state appropriation for fiscal year 2012 and \$135,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for science, technology, engineering and mathematics lighthouse projects, consistent with chapter 238, Laws of 2010.

(16) \$1,000,000 of the general fund—state appropriation for fiscal year 2012 and \$1,000,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for a beginning educator support program. School districts and/or regional consortia may apply for grant funding. The superintendent shall implement this program in 5 to 15 school districts and/or regional consortia. The program provided by a district and/or regional consortia shall include: A paid orientation; assignment of a qualified mentor; development of a professional growth plan for each beginning teacher aligned with professional certification; release time for mentors and new teachers to work together; and teacher observation time with accomplished peers. \$250,000 may be used to provide statewide professional development opportunities for mentors and beginning educators.

**NEW SECTION. Sec. 514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITIONAL BILINGUAL PROGRAMS**

General Fund—State Appropriation (FY 2012) . . . . .	\$83,959,000
General Fund—State Appropriation (FY 2013) . . . . .	\$88,580,000
General Fund—Federal Appropriation . . . . .	\$71,001,000
TOTAL APPROPRIATION . . . . .	\$243,540,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2011-12 and 2012-13 school years, the superintendent shall allocate funding to school districts for transitional bilingual programs as provided in RCW 28A.150.260(10)(b). In calculating the allocations, the superintendent shall assume the following averages: (i) Additional instruction of 4.7780 hours per week per transitional bilingual program student; (ii) fifteen transitional bilingual program students per teacher; (iii) 36 instructional weeks per year; (iv) 900 instructional hours per teacher; and (v) the district's average staff mix and compensation rates as provided in sections 503 and 504 of this act.

(b) From July 1, 2011, to August 31, 2011, the superintendent shall allocate funding to school districts for transitional bilingual instruction programs as provided in section 514, chapter 564, Laws of 2009, as amended through section 1411 of this act.

(c) The allocations in this section reflect the implementation of a new funding formula for the transitional bilingual instructional program, effective September 1, 2011, as specified in RCW 28A.150.260(10)(b).

(3) The superintendent may withhold up to 3.0 percent of the school year allocations to school districts in subsection (2) of this section solely for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2).

(4) The general fund—federal appropriation in this section is for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

(5)(a) The office of the superintendent of public instruction shall implement a funding model for the transitional bilingual program, beginning in school year 2012-13, that is scaled to provide more support to students requiring most intensive intervention, (students with beginning levels of English language proficiency) and less support to students requiring less intervention. The funding model shall also provide up to two years of bonus funding upon successful exit from the bilingual program to facilitate successful transition to a standard program of education.

(b) It is expected that per-pupil funding for level 2 proficiency will be set at the same level as would have been provided statewide prior to establishing differential per-pupil amounts; level 1 will be 125 percent of level 2; level 3 through the level prior to exit will be 75 percent of level 2; and two bonus years upon successful demonstration of proficiency will be 100 percent of level 2. Prior to implementing in school year 2012-13, the office of the superintendent of public instruction shall provide to the senate and house of representatives ways and means committees recommended rates based on the results of proficiency test procurement, expressed as both per-pupil rates and hours of instruction as provided in RCW 28A.150.260(10)(b).

(c) Each bilingual student shall be tested for proficiency level and, therefore, eligibility for the transitional bilingual program each year. The bonus payments for up to two school years following successful exit from the transitional bilingual program shall be allocated to the exiting school district. If

the student graduates or transfers to another district prior to the district receiving both years' bonuses, the district shall receive the bonus for only the length of time the student remains enrolled in the exiting district.

(d) The quality education council shall examine the revised funding model developed under this subsection and provide a report to the education and fiscal committees of the legislature by December 1, 2011, that includes recommendations for:

(i) Changing the prototypical school funding formula for the transitional bilingual program to align with the revised model in an accurate and transparent manner;

(ii) Reconciling the revised model with statutory requirements for categorical funding of the transitional bilingual instructional program that is restricted to students eligible for and enrolled in that program;

(iii) Clarifying the elements of the transitional bilingual instructional program that fall under the definition of basic education and the impact of the revised model on them; and

(iv) The extent that the disparate financial impact of the revised model on different school districts should be addressed and options for addressing it.

(e) The office of the superintendent of public instruction shall report to the senate and house of representatives ways and means committees and education committees annually by December 31st of each year, through 2018, regarding any measurable changes in proficiency, time-in-program, and transition experience.

(6) \$35,000 of the general fund—state appropriation for fiscal year 2012 and \$35,000 of the general fund—state appropriation for fiscal year 2013 are provided solely to track current and former transitional bilingual program students.

**NEW SECTION. Sec. 515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE LEARNING ASSISTANCE PROGRAM**

General Fund—State Appropriation (FY 2012) . . . . .	\$102,104,000
General Fund—State Appropriation (FY 2013) . . . . .	\$102,137,000
General Fund—Federal Appropriation . . . . .	\$581,207,000
Education Legacy Trust Account—State Appropriation . . . . .	\$47,980,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$833,428,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund—state appropriations in this section are subject to the following conditions and limitations:

(a) The appropriations include such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b)(i) For the 2011-12 and 2012-13 school years, the superintendent shall allocate funding to school districts for learning assistance programs as provided in RCW 28A.150.260(10)(a). In calculating the allocations, the superintendent shall assume the following averages: (A) Additional instruction of 1.51560 hours per week per funded learning assistance program student; (B) fifteen learning assistance program students per teacher; (C) 36 instructional weeks per

year; (D) 900 instructional hours per teacher; and (E) the district's average staff mix and compensation rates as provided in sections 503 and 504 of this act.

(ii) From July 1, 2011, to August 31, 2011, the superintendent shall allocate funding to school districts for learning assistance programs as provided in section 515, chapter 564, Laws of 2009, as amended through section 1412 of this act.

(c) A school district's funded students for the learning assistance program shall be the sum of the district's full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch in the prior school year.

(2) Allocations made pursuant to subsection (1) of this section shall be adjusted to reflect ineligible applications identified through the annual income verification process required by the national school lunch program, as recommended in the report of the state auditor on the learning assistance program dated February, 2010.

(3) The general fund—federal appropriation in this section is provided for Title I Part A allocations of the no child left behind act of 2001.

(4) A school district may carry over from one year to the next up to 10 percent of the general fund-state or education legacy trust funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(5) The office of the superintendent of public instruction shall research and recommend options for an adjustment factor for middle school and high school free and reduced price lunch eligibility reporting rates pursuant to RCW 28A.150.260(12)(a), and submit a report to the fiscal committees of the legislature by June 1, 2012. For the 2011-12 and 2012-13 school years, the adjustment factor is 1.0.

**NEW SECTION. Sec. 516. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

(1) Amounts distributed to districts by the superintendent through part V of this act are for allocations purposes only and do not entitle a particular district, district employee, or student to a specific service, beyond what has been expressly provided in statute. Part V of this act restates the requirements of various sections of Title 28A RCW. If any conflict exists, the provisions of Title 28A RCW control unless this act explicitly states that it is providing an enhancement. Any amounts provided in part V of this act in excess of the amounts required by Title 28A RCW provided in statute, are not within the program of basic education.

(2) To the maximum extent practicable, when adopting new or revised rules or policies relating to the administration of allocations in part V of this act that result in fiscal impact, the office of the superintendent of public instruction shall attempt to seek legislative approval through the budget request process.

(3) Appropriations made in this act to the office of the superintendent of public instruction shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act.

NEW SECTION, Sec. 517. Pursuant to House Bill No. 1131 (regarding student achievement fund allocations), per-student allocation distributions for school years 2011-12 and 2012-13 are suspended.

**PART VI  
HIGHER EDUCATION**

\*NEW SECTION, Sec. 601. The appropriations in sections 605 through 611 of this act are subject to the following conditions and limitations:

(1) "Institutions" means the institutions of higher education receiving appropriations under sections 605 through 611 of this act.

(2) The legislature, the office of financial management, and other state agencies need consistent and accurate personnel data from institutions of higher education for policy planning purposes. Institutions of higher education shall report personnel data to the department of personnel for inclusion in the department's data warehouse. Uniform reporting procedures shall be established by the department of personnel for use by the reporting institutions, including provisions for common job classifications and common definitions of full-time equivalent staff. Annual contract amounts, number of contract months, and funding sources shall be consistently reported for employees under contract.

(3) In addition to waivers granted under the authority of RCW 28B.15.910, the governing boards and the state board may waive all or a portion of operating fees for any student. State general fund appropriations shall not be provided to replace tuition and fee revenue foregone as a result of waivers granted under this subsection.

(4) The institutions of higher education receiving state appropriations under sections 605 through 611 of this act shall allot anticipated state and tuition expenditures by budget program and fiscal year.

(5) To the extent permitted by the applicable personnel system rules, and to the extent collectively bargained with represented employees, institutions of higher education are encouraged to achieve the reductions in full-time-equivalent employment and payroll levels necessary to operate within this budget through strategies that will minimize impacts on employees, their families, their communities, and short- and longer-term accomplishment of institutional mission. Institutions are encouraged to utilize strategies such as reduced work-hours per day or week, voluntary leave without pay, and temporary furloughs that enable employees to maintain permanent employment status. Institutions are further encouraged to implement such strategies in ways that will enable employees to maintain full insurance benefits, full retirement service credit, and a living wage.

(6)(a) For institutions receiving appropriations in section 605 of this act the only allowable salary increases provided are those with normally occurring promotions and increases related to faculty and staff retention. In fiscal year 2012 and fiscal year 2013, the state board for community and technical colleges may use salary and benefit savings from faculty turnover to provide salary increments and associated benefits for faculty who qualify through professional development and training.

(b) For employees under the jurisdiction of chapter 41.56 RCW, salary increases will be in accordance with the applicable collective bargaining

agreement. However, an increase shall not be provided to any classified employee whose salary is above the approved salary range maximum for the class to which the employee's position is allocated.

*(c) For each institution of higher education receiving appropriations under sections 606 through 611 of this act:*

*(i) The only allowable salary increases are those associated with normally occurring promotions and increases related to faculty and staff retention; and*

*(ii) Institutions may provide salary increases from other sources to instructional and research faculty at the universities and The Evergreen State College, exempt professional staff, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Any salary increase granted under the authority of this subsection (6)(c)(ii) shall not be included in an institution's salary base for future state funding. It is the intent of the legislature that state general fund support for an institution shall not increase during the current or any future biennium as a result of any salary increases authorized under this subsection (6)(c)(ii).*

\*Sec. 601 was partially vetoed. See message at end of chapter.

**NEW SECTION. Sec. 602.** (1) Within the funds appropriated in this act, each institution of higher education is expected to enroll and educate at least the following numbers of full-time equivalent state-supported students per academic year:

	2011-12 Annual Average	2012-13 Annual Average
University of Washington	37,162	37,162
Washington State University	22,228	22,228
Central Washington University	8,808	8,808
Eastern Washington University	8,734	8,734
The Evergreen State College	4,213	4,213
Western Washington University	11,762	11,762
State Board for Community & Technical Colleges		
Adult Students	139,237	139,237
Running Start Students	11,558	11,558

(2) In achieving or exceeding these enrollment targets, each institution shall seek to:

(a) Maintain and to the extent possible increase enrollment opportunities at branch campuses;

(b) Maintain and to the extent possible increase enrollment opportunities at university centers and other partnership programs that enable students to earn baccalaureate degrees on community college campuses; and

(c) Eliminate and consolidate programs of study for which there is limited student or employer demand, or that are not areas of core academic strength for the institution, particularly when such programs duplicate offerings by other in-state institutions.



(3) For purposes of monitoring and reporting statewide enrollment, the University of Washington and Washington State University shall notify the office of financial management of the number of full-time student equivalent enrollments budgeted for each of their campuses.

**NEW SECTION. Sec. 603. PUBLIC BACCALAUREATE INSTITUTIONS**

(1) For the purposes of chapter 28B.15 RCW, the omnibus appropriations act assumes increases of tuition levels for resident undergraduate students over the amounts charged to resident undergraduate students for the prior year, as follows:

University of Washington	16%
Washington State University	16%
Central Washington University	14%
Eastern Washington University	11%
The Evergreen State College	14%
Western Washington University	16%

(2) The governing boards of the state research universities, the state regional universities, and The Evergreen State College may exceed the tuition levels assumed in subsection (1) of this section. However, to the extent that tuition levels exceed the tuition levels assumed in subsection (1) of this section, the institution shall be subject to the conditions and limitations provided in chapter 28B.15 RCW as amended by Engrossed Second Substitute House Bill No. 1795 (higher education opportunity act). In order to facilitate the full implementation of Engrossed Second Substitute House Bill No. 1795 for the 2011-12 academic year and thereafter, the institutions of higher education are authorized to adopt tuition levels that are less than, equal to, or greater than the tuition levels assumed in subsection (1) of this section.

(3) Each governing board is authorized to increase tuition charges to graduate and professional students, and to nonresident undergraduate students, by amounts judged reasonable and necessary by the governing board.

(4) Each governing board is authorized to increase summer quarter or semester tuition fees for resident and nonresident undergraduate, graduate, and professional students pursuant to RCW 28B.15.067.

(5) Each governing board is authorized to adopt or increase charges for fee-based, self-sustaining degree programs, credit courses, noncredit workshops and courses, and special contract courses by amounts judged reasonable and necessary by the governing board.

(6) Each governing board is authorized to adopt or increase services and activities fees for all categories of students as provided in RCW 28B.15.069.

(7) Each governing board is authorized to adopt or increase technology fees as provided in RCW 28B.15.069.

(8) Each governing board is authorized to adopt or increase special course and lab fees, and health and counseling fees, to the extent necessary to cover the reasonable and necessary exceptional cost of the course or service.

(9) Each governing board is authorized to adopt or increase administrative fees such as, but not limited to, those charged for application, matriculation,

special testing, and transcripts by amounts judged reasonable and necessary by the governing board.

(10) The state universities, the regional universities, and The Evergreen State College must accept the transfer of college-level courses taken by running start students if a student seeking a transfer of the college-level courses has been admitted to the state university, the regional university, or The Evergreen State College, and if the college-level courses are recognized as transferrable by the admitting institution of higher education.

**NEW SECTION. Sec. 604. STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

In order to operate within the state funds appropriated in this act, the state board for community and technical colleges and the trustees of the state's community and technical colleges are authorized to adopt and adjust tuition and fees for the 2011-12 and 2012-13 academic years as provided in this section:

(1) The state board may increase the tuition fees charged to resident undergraduate students by no more than twelve percent over the amounts charged to resident undergraduates during the prior academic year. The board may increase tuition fees under this subsection differentially based on student credit hour load, provided that the overall increase in average tuition revenue per student does not exceed twelve percent each year.

(2) The state board may increase the tuition fees charged to resident undergraduates enrolled in upper division applied baccalaureate programs by no more than twelve percent over the amounts charged during the prior academic year.

(3) The state board may increase the tuition fees charged to nonresident students by amounts judged reasonable and necessary by the board.

(4) The trustees of the technical colleges are authorized to either (a) increase operating fees by no more than the percentage increases authorized for community colleges by the state board; or (b) fully adopt the tuition fee charge schedule adopted by the state board for community colleges.

(5) For academic years 2011-2012 and 2012-2013, the trustees of the technical colleges are authorized to increase building fees by an amount judged reasonable in order to progress toward parity with the building fees charged students attending the community colleges.

(6) The state board is authorized to increase the maximum allowable services and activities fee as provided in RCW 28B.15.069. The trustees of the community and technical colleges are authorized to increase services and activities fees up to the maximum level authorized by the state board.

(7) The trustees of the community and technical colleges are authorized to adopt or increase charges for fee-based, self-sustaining programs such as summer session, international student contracts, and special contract courses by amounts judged reasonable and necessary by the trustees.

(8) The trustees of the community and technical colleges are authorized to adopt or increase special course and lab fees to the extent necessary to cover the reasonable and necessary exceptional cost of the course or service.

(9) The trustees of the community and technical colleges are authorized to adopt or increase administrative fees such as but not limited to those charged for application, matriculation, special testing, and transcripts by amounts judged reasonable and necessary by the trustees.

**\*NEW SECTION. Sec. 605. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

General Fund—State Appropriation (FY 2012) . . . . .	\$533,355,000
General Fund—State Appropriation (FY 2013) . . . . .	\$525,998,000
Community/Technical College Capital Projects	
Account—State Appropriation . . . . .	\$8,037,000
Education Legacy Trust Account—State Appropriation . . . . .	\$95,370,000
TOTAL APPROPRIATION . . . . .	\$1,162,760,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$28,761,000 of the general fund—state appropriation for fiscal year 2012 and \$28,761,000 of the general fund—state appropriation for fiscal year 2013 are provided solely as special funds for training and related support services, including financial aid, as specified in RCW 28C.04.390. Funding is provided to support at least 6,200 full-time equivalent students in fiscal year 2012 and at least 6,200 full-time equivalent students in fiscal year 2013.

(2) \$2,725,000 of the general fund—state appropriation for fiscal year 2012 and \$2,725,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for administration and customized training contracts through the job skills program. The state board shall make an annual report by January 1st of each year to the governor and to the appropriate policy and fiscal committees of the legislature regarding implementation of this section, listing the scope of grant awards, the distribution of funds by educational sector and region of the state, and the results of the partnerships supported by these funds.

***(3) The state board for community and technical colleges shall achieve \$2,000,000 in general fund savings in fiscal year 2012 and \$5,500,000 in general fund savings in fiscal year 2013 from various efficiencies implemented in the community and technical college system including consolidation of college districts; consolidation of administrative and governance functions including, but not limited to, human resources, budget and accounting services, and president's offices; consolidation of student service functions including, but not limited to, financial aid services, student advising, and libraries; and other administrative efficiencies including, but not limited to, greater use of telephone and videoconferencing and reduced travel costs. A report explaining the methods used to achieve the savings required is due to the fiscal committees of the legislature by December 31, 2013.***

(4) \$4,500,000 of the general fund—state appropriation for fiscal year 2012 and \$4,500,000 of the general fund—state appropriation for fiscal year 2013 is provided solely for worker retraining.

(5) Of the amounts appropriated in this section, \$5,000,000 is provided solely for the student achievement initiative.

(6) When implementing the appropriations in this section, the state board and the trustees of the individual community and technical colleges shall minimize impact on academic programs, maximize reductions in administration, and shall at least maintain, and endeavor to increase, enrollment opportunities and degree and certificate production in high employer-demand fields of study at their academic year 2008-09 levels.

(7) Community and technical colleges are not required to send mass mailings of course catalogs to residents of their districts. Community and technical colleges shall consider lower cost alternatives, such as mailing postcards or brochures that direct individuals to online information and other ways of acquiring print catalogs.

(8) Bellevue college is authorized to offer applied baccalaureate degrees in information technology, health care services and management, biotechnology, and preprofessional preparation for medical fields. These degrees shall be directed at high school graduates and transfer-oriented degree and professional and technical degree holders. In fiscal year 2012, Bellevue college will develop a two-year plan for offering these new degrees. The plan will assume funding for these new degrees shall come through redistribution of its current per full-time enrollment funding. The plan shall be delivered to the legislature by June 30, 2012.

(9) The Seattle community college district is authorized to offer applied baccalaureate degree programs in business/international business and technology management, interactive and artistic digital media, sustainability, building science technology, and allied and global health. These degrees shall be directed at high school graduates and professional and technical degree holders. In fiscal year 2012, Seattle community colleges shall develop a two-year plan for offering these new degrees. The plan will assume that funding for these new degrees comes through redistribution of its current per full-time enrollment funding. The plan shall be delivered to the legislature by June 30, 2012.

\*Sec. 605 was partially vetoed. See message at end of chapter.

**NEW SECTION. Sec. 606. FOR THE UNIVERSITY OF WASHINGTON**

General Fund—State Appropriation (FY 2012) . . . . .	\$201,471,000
General Fund—State Appropriation (FY 2013) . . . . .	\$206,523,000
Education Legacy Trust Account—State Appropriation . . . . .	\$18,579,000
University of Washington Building Account—State Appropriation. . . . .	\$239,000
Biotoxin Account—State Appropriation . . . . .	\$450,000
Accident Account—State Appropriation . . . . .	\$6,699,000
Medical Aid Account—State Appropriation . . . . .	\$6,502,000
TOTAL APPROPRIATION . . . . .	\$440,463,000

The appropriations in this section are subject to the following conditions and limitations:

(1) In implementing the appropriations in this section, the president and regents shall seek to minimize impacts on student services and instructional programs by maximizing reductions in administration and other noninstructional activities.

(2) \$150,000 of the general fund—state appropriation for fiscal year 2012 and \$150,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for the development of integrated medical curriculum for the Washington/Wyoming/Alaska/Montana/Idaho (WWAMI) medical education program in Spokane and eastern Washington. Funding is contingent on appropriations being provided to Washington State University for WWAMI program expansion in Spokane and eastern Washington.

(3) \$52,000 of the general fund—state appropriation for fiscal year 2012 and \$52,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for the center for international trade in forest products in the college of forest resources.

(4) \$88,000 of the general fund—state appropriation for fiscal year 2012 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5485 (state's natural resources). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(5) \$143,000 of the general fund—state appropriation for fiscal year 2012 and \$144,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for the ongoing management of the Washington park arboretum.

**NEW SECTION. Sec. 607. FOR WASHINGTON STATE UNIVERSITY**

General Fund—State Appropriation (FY 2012) . . . . .	\$134,912,000
General Fund—State Appropriation (FY 2013) . . . . .	\$135,389,000
Washington State University Building Account—State Appropriation . . . . .	\$5,364,000
Education Legacy Trust Account—State Appropriation . . . . .	\$33,065,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$308,730,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) In implementing the appropriations in this section, the president and regents shall seek to minimize impacts on student services and instructional programs by maximizing reductions in administration and other noninstructional activities.

(2) Within available funds, Washington State University shall serve an additional cohort of fifteen full-time equivalent students in the mechanical engineering program located at Olympic College.

(3) \$300,000 of the general fund—state appropriation for fiscal year 2012 and \$300,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for the expansion of health sciences capacity through the Washington/Wyoming/Alaska/Montana/Idaho (WWAMI) medical education program in Spokane and eastern Washington. Funding is contingent on appropriations being provided to the University of Washington for integrated medical curriculum development for WWAMI.

**NEW SECTION. Sec. 608. FOR EASTERN WASHINGTON UNIVERSITY**

General Fund—State Appropriation (FY 2012) . . . . .	\$26,281,000
General Fund—State Appropriation (FY 2013) . . . . .	\$26,589,000
Education Legacy Trust Account—State Appropriation . . . . .	\$16,087,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$68,957,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) In implementing the appropriations in this section, the president and governing board shall seek to minimize impacts on student services and instructional programs by maximizing reductions in administration and other noninstructional activities.

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(2) At least \$200,000 of the general fund—state appropriation for fiscal year 2012 and at least \$200,000 of the general fund—state appropriation for fiscal year 2013 shall be expended on the northwest autism center.

**NEW SECTION. Sec. 609. FOR CENTRAL WASHINGTON UNIVERSITY**

General Fund—State Appropriation (FY 2012) . . . . .	\$22,492,000
General Fund—State Appropriation (FY 2013) . . . . .	\$22,573,000
Education Legacy Trust Account—State Appropriation . . . . .	\$19,076,000
TOTAL APPROPRIATION . . . . .	\$64,141,000

The appropriations in this section are subject to the following conditions and limitations: In implementing the appropriations in this section, the president and governing board shall seek to minimize impacts on student services and instructional programs by maximizing reductions in administration and other noninstructional activities.

**\*NEW SECTION. Sec. 610. FOR THE EVERGREEN STATE COLLEGE**

General Fund—State Appropriation (FY 2012) . . . . .	\$15,698,000
General Fund—State Appropriation (FY 2013) . . . . .	\$15,366,000
Education Legacy Trust Account—State Appropriation . . . . .	\$5,450,000
TOTAL APPROPRIATION . . . . .	\$36,514,000

The appropriations in this section are subject to the following conditions and limitations:

(1) In implementing the appropriations in this section, the president and governing board shall seek to minimize impacts on student services and instructional programs by maximizing reductions in administration and other noninstructional activities.

(2) \$50,000 of the general fund—state appropriation for fiscal year 2012 and \$25,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for the Washington state institute for public policy to conduct a detailed study of the commitment of sexually violent predators to the special commitment center pursuant to chapter 71.09 RCW and the subsequent release of those persons to less-restrictive alternatives.

(a) Specifically, the institute's study shall examine:

(i) The projected future demand for the special commitment center, including profiles and characteristics of persons referred and committed to the special commitment center since its inception, whether the profiles of those persons have changed over time, and, given current trends, the likelihood of the continuing rate of referral;

(ii) Residents' participation in treatment over time and the impact of treatment on eventual release to a less-restrictive alternative;

(iii) The annual review process and the process for a committed person to petition for conditional or unconditional release, specifically:

(A) The time frames for conducting mandatory reviews;

(B) The role of the special commitment center clinical team;

(C) Options and standards utilized by other jurisdictions or similar processes to conduct periodic reviews, including specialized courts, parole boards, independent review boards, and other commitment proceedings;

(iv) The capacity and future demand for appropriate less restrictive alternatives for moving residents out of the special commitment center, including:

(A) The capacity and demand for secure community transition facilities;

(B) Options for specialized populations such as the elderly or those with developmental disabilities and whether more cost-efficient options might be used to house those populations while keeping the public safe;

(C) Prospects for moving residents to noninstitutionalized settings beyond a secure community transition facility.

(b) The department of social and health services shall cooperate with the institute in conducting its examination and must provide the institute with requested data and records in a timely manner.

(c) The institute shall provide a status report to the governor and the legislature no later than November 1, 2011, with a final report due no later than November 1, 2012.

***(3) \$91,000 of the general fund—state appropriation for fiscal year 2012 and \$54,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for the Washington state institute for public policy to design and implement a research study to measure the impact on student achievement of remediation strategies funded by the learning assistance program pursuant to Engrossed Second Substitute House Bill No. 1443 (education reforms). If the bill is not enacted by June 30, 2011, the amounts provided in this subsection shall lapse.***

(4) \$50,000 of the general fund—state appropriation for fiscal year 2012 and \$50,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for the institute for public policy to provide research support to the council on quality education.

(5) To the extent federal or private funding is available for this purpose, the Washington state institute for public policy and the center for reinventing public education at the University of Washington shall examine the relationship between participation in pension systems and teacher quality and mobility patterns in the state. The department of retirement systems shall facilitate researchers' access to necessary individual-level data necessary to effectively conduct the study. The researchers shall ensure that no individually identifiable information will be disclosed at any time. An interim report on project findings shall be completed by November 15, 2010, and a final report shall be submitted to the governor and to the relevant committees of the legislature by October 15, 2011.

(6) Funding provided in this section is sufficient for The Evergreen State College to continue operations of the Longhouse Center and the Northwest Indian applied research institute.

(7) If, and to the extent that private funding is available for this purpose, the Washington state institute for public policy shall study and report on the child welfare and educational characteristics and outcomes for foster youth who are served by educational advocates. The department of social and health services and the office of the superintendent of public instruction shall facilitate researchers' access to data necessary to effectively complete the study. The institute shall submit an interim report with baseline characteristics of youth served by educational advocates by December 2011 and a final report by

October 31, 2012, to the governor and to the appropriate committees of the legislature.

(8) \$75,000 of the general fund—state appropriation for fiscal year 2012 is provided to the Washington state institute for public policy (WSIPP) to conduct a review of state investments in the family caregiver and support program. Funding for this program is provided by assumed savings from diverting seniors from entering into long-term care medicaid placements by supporting informal caregivers. WSIPP shall work with the department of social and health services to establish and review outcome data for this investment. A preliminary report on the outcomes of the investment into this program is due to the appropriate legislative committees by December 15, 2011, and a final report is due to the appropriate legislative committees by August 30, 2012.

*(9) \$25,000 of the general fund—state appropriation is provided solely for the Washington state institute for public policy to investigate the fiscal and other costs and benefits to state and local governments, and to the people of Washington, arising from the implementation of current state controlled substance policies in Washington, excluding alcohol, tobacco, and pharmaceuticals. A report is due to the legislature by December 1, 2012. The institute may receive funds from outside sources for the purpose of conducting this study. If these funds are not obtained, then the study shall not be undertaken.*

\*Sec. 610 was partially vetoed. See message at end of chapter.

**NEW SECTION. Sec. 611. FOR WESTERN WASHINGTON UNIVERSITY**

General Fund—State Appropriation (FY 2012) . . . . .	\$33,709,000
General Fund—State Appropriation (FY 2013) . . . . .	\$33,654,000
Education Legacy Trust Account—State Appropriation . . . . .	\$13,266,000
TOTAL APPROPRIATION . . . . .	\$80,629,000

The appropriations in this section are subject to the following conditions and limitations: In implementing the appropriations in this section, the president and governing board shall seek to minimize impacts on student services and instructional programs by maximizing reductions in administration and other noninstructional activities.

**NEW SECTION. Sec. 612. FOR THE HIGHER EDUCATION COORDINATING BOARD—POLICY COORDINATION AND ADMINISTRATION**

General Fund—State Appropriation (FY 2012) . . . . .	\$1,041,000
General Fund—Federal Appropriation . . . . .	\$1,976,000
TOTAL APPROPRIATION . . . . .	\$3,017,000

The appropriations in this section are subject to the following conditions and limitations: The higher education coordinating board is authorized to increase or establish fees for initial degree authorization, degree authorization renewal, degree authorization reapplication, new program applications, and new site applications pursuant to RCW 28B.85.060.

**\*NEW SECTION. Sec. 613. FOR THE HIGHER EDUCATION COORDINATING BOARD—FINANCIAL AID AND GRANT PROGRAMS**



General Fund—State Appropriation (FY 2012) . . . . .	\$217,939,000
General Fund—Federal Appropriation . . . . .	\$6,570,000
Opportunity Pathways Account—State Appropriation . . . . .	\$73,500,000
TOTAL APPROPRIATION . . . . .	\$298,009,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$196,214,000 of the general fund—state appropriation for fiscal year 2012, \$73,500,000 of the opportunity pathways account—state appropriation, and \$740,000 of the general fund—federal appropriation are provided solely for student financial aid payments under the state need grant and the state work study program including up to a four percent administrative allowance for the state work study program.

(2)(a) Within the funds appropriated in this section, eligibility for the state need grant shall include students with family incomes at or below 70 percent of the state median family income (MFI), adjusted for family size, and shall include students enrolled in three to five credit-bearing quarter credits, or the equivalent semester credits. The higher education coordinating board shall report to the legislature by December 1, 2013, regarding the number of students enrolled in three to five credit-bearing quarter credits, or the equivalent semester credits, and their academic progress including degree completion. Awards for all students shall be adjusted by the estimated amount by which Pell grant increases exceed projected increases in the noninstructional costs of attendance. Awards for students with incomes between 51 and 70 percent of the state median shall be prorated at the following percentages of the award amount granted to those with incomes below 51 percent of the MFI: 70 percent for students with family incomes between 51 and 55 percent MFI; 65 percent for students with family incomes between 56 and 60 percent MFI; 60 percent for students with family incomes between 61 and 65 percent MFI; and 50 percent for students with family incomes between 66 and 70 percent MFI.

*(b) Grant awards for students at private four-year colleges shall be set at the same level as the student would receive if attending one of the public regional universities.*

(3) For fiscal year 2012, the board shall defer loan or conditional scholarship repayments to the future teachers conditional scholarship and loan repayment program for up to one year for each participant if the participant has shown evidence of efforts to find a teaching job but has been unable to secure a teaching job per the requirements of the program.

*(4) \$1,500,000 of the education legacy trust account—state appropriation is provided solely for the gaining early awareness and readiness for undergraduate programs project.*

(5) \$500,000 of the general fund—state appropriation for fiscal year 2012 is provided solely for the leadership 1000 program.

(6) \$2,436,000 of the general fund—state appropriation for fiscal year 2012 is provided solely for the passport to college program. The maximum scholarship award shall be \$5,000. The board shall contract with a nonprofit organization to provide support services to increase student completion in their postsecondary program and shall, under this contract provide a minimum of \$500,000 in fiscal year 2012.

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(7) \$250,000 of the general fund—state appropriation for fiscal year 2012 is provided solely for implementation of the aerospace training scholarship and student loan program as specified in Engrossed Substitute House Bill No. 1846 (aerospace student loans). If this bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

\*Sec. 613 was partially vetoed. See message at end of chapter.

**NEW SECTION. Sec. 614. FOR THE COUNCIL FOR HIGHER EDUCATION**

General Fund—State Appropriation (FY 2013) . . . . .	\$997,000
General Fund—Federal Appropriation . . . . .	\$2,377,000
TOTAL APPROPRIATION . . . . .	\$3,374,000

The appropriations in this section are subject to the following conditions and limitations: The council for higher education is authorized to increase or establish fees for initial degree authorization, degree authorization renewal, degree authorization reapplication, new program applications, and new site applications pursuant to RCW 28B.85.060.

**NEW SECTION. Sec. 615. FOR THE OFFICE OF STUDENT FINANCIAL ASSISTANCE**

General Fund—State Appropriation (FY 2013) . . . . .	\$247,932,000
General Fund—Federal Appropriation . . . . .	\$6,557,000
Washington Opportunity Pathways Account—State Appropriation . . . . .	\$73,500,000
TOTAL APPROPRIATION . . . . .	\$327,989,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$230,889,000 of the general fund—state appropriation for fiscal year 2013, \$73,500,000 of the opportunity pathways account—state appropriation, and \$740,000 of the general fund—federal appropriation are provided solely for student financial aid payments under the state need grant and the state work study program including up to a four percent administrative allowance for the state work study program.

(2) Within the funds appropriated in this section, eligibility for the state need grant shall include students with family incomes at or below 70 percent of the state median family income (MFI), adjusted for family size, and shall include students enrolled in three to five credit-bearing quarter credits, or the equivalent semester credits. The office of student financial assistance shall report to the legislature by December 1, 2013, regarding the number of students enrolled in three to five credit-bearing quarter credits, or the equivalent semester credits, and their academic progress including degree completion. Awards for all students shall be adjusted by the estimated amount by which Pell grant increases exceed projected increases in the noninstructional costs of attendance. Awards for students with incomes between 51 and 70 percent of the state median shall be prorated at the following percentages of the award amount granted to those with incomes below 51 percent of the MFI: 70 percent for students with family incomes between 51 and 55 percent MFI; 65 percent for students with family incomes between 56 and 60 percent MFI; 60 percent for students with family

incomes between 61 and 65 percent MFI; and 50 percent for students with family incomes between 66 and 70 percent MFI.

(3) \$250,000 of the general fund—state appropriation for fiscal year 2013 is provided solely for implementation of the aerospace training scholarship and student loan program as specified in Engrossed Substitute House Bill No. 1846 (aerospace student loans). If this bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(4) For fiscal year 2013, the board shall defer loan or conditional scholarship repayments to the future teachers conditional scholarship and loan repayment program for up to one year for each participant if the participant has shown evidence of efforts to find a teaching job but has been unable to secure a teaching job per the requirements of the program.

(5) \$1,000,000 of the education legacy trust account—state appropriation is provided solely for the gaining early awareness and readiness for undergraduate programs project.

(6) \$500,000 of the general fund—state appropriation for fiscal year 2013 is provided solely for the leadership 1000 program.

(7) \$2,436,000 of the general fund—state appropriation for fiscal year 2013 is provided solely for the passport to college program. The maximum scholarship award shall be \$5,000. The board shall contract with a nonprofit organization to provide support services to increase student completion in their postsecondary program and shall, under this contract provide a minimum of \$500,000 in fiscal year 2013 for this purpose.

**NEW SECTION. Sec. 616. FOR THE WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD**

General Fund—State Appropriation (FY 2012) . . . . .	\$1,382,000
General Fund—State Appropriation (FY 2013) . . . . .	\$1,388,000
General Fund—Federal Appropriation . . . . .	\$62,758,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$65,528,000</b>

The appropriations in this section are subject to the following conditions and limitations: For the 2011-2013 fiscal biennium the board shall not designate recipients of the Washington award for vocational excellence or recognize them at award ceremonies as provided in RCW 28C.04.535.

**\*NEW SECTION. Sec. 617. FOR THE DEPARTMENT OF EARLY LEARNING**

General Fund—State Appropriation (FY 2012) . . . . .	\$27,570,000
General Fund—State Appropriation (FY 2013) . . . . .	\$27,557,000
General Fund—Federal Appropriation . . . . .	\$253,530,000
Opportunity Pathways Account—State Appropriation . . . . .	\$80,000,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$388,657,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$16,028,000 of the general fund—state appropriation for fiscal year 2012, \$16,028,000 of the general fund—state appropriation of fiscal year 2013, \$80,000,000 of the opportunity pathways account appropriation, and \$2,256,000 of the general fund—federal appropriation are provided solely for the early childhood education assistance program services. Of these amounts,

\$10,284,000 is a portion of the biennial amount of state maintenance of effort dollars required to receive federal child care and development fund grant dollars.

(2) In accordance to RCW 43.215.255(2) and 43.135.055, the department is authorized to increase child care center and child care family home licensure fees in fiscal years 2012 and 2013 for costs to the department for the licensure activity, including costs of necessary inspection. These increases are necessary to support expenditures authorized in this section.

(3) \$638,000 of the general fund—state appropriation for fiscal year 2012 and \$638,000 of the general fund—state appropriation for fiscal year 2013 are provided solely for child care resource and referral network services.

(4) \$200,000 of the general fund—state appropriation for fiscal year 2012 and \$200,000 of the general fund—state appropriation for fiscal year 2013 are provided solely to develop and provide culturally relevant supports for parents, family, and other caregivers.

(5) The department is the lead agency for and recipient of the federal child care and development fund grant. Amounts within this grant shall be used to fund child care licensing, quality initiatives, agency administration, and other costs associated with child care subsidies. The department shall transfer a portion of this grant to the department of social and health services to fund the child care subsidies paid by the department of social and health services on behalf of the department of early learning.

(6) The appropriations in this section reflect reductions in the appropriations for the department's administrative expenses. It is the intent of the legislature that these reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or program.

***(7) The department may not adopt, enforce, or implement any rules or policies restricting the eligibility of consumers for the child care subsidy benefits to a countable income below one hundred seventy-five percent of the federal poverty guidelines.***

(8) \$934,000 of the general fund—state appropriation for fiscal year 2012, \$934,000 of the general fund—state appropriation for fiscal year 2013, and \$2,400,000 of the general fund—federal appropriation are provided solely for expenditure into the home visiting services account. This funding is intended to meet federal maintenance of effort requirements and to secure private matching funds.

(9) In addition to groups that were given prioritized access to the working connections child care program effective March 1, 2011, the department shall also give prioritized access into the program to families in which a parent of a child in care is a minor who is not living with a parent or guardian and who is a full-time student in a high school that has a school-sponsored on-site child care center.

(10) Within available amounts, the department in consultation with the office of financial management and the department of social and health services shall report quarterly enrollments and active caseload for the working connections child care program to the legislative fiscal committees. The report shall also identify the number of cases participating in both temporary assistance for needy families and working connections child care.

(11) *The department is encouraged to work with the legislative-executive task force established in Engrossed Substitute Senate Bill No. 5921 (social services programs) to implement a working child care copayment structure that gradually increases copayments based on income, household size, and other factors. The copayment structure should not lead to an excessive administrative burden for providers, parents or the state, and is revenue neutral to the state.*

(12) \$2,522,000 of the general fund—state appropriation for fiscal year 2012, \$2,522,000 of the general fund—state appropriation for fiscal year 2013, and \$4,304,000 of the general fund—federal appropriation are provided solely for the medicaid treatment child care (MTCC) program. The department shall contract for MTCC services to provide therapeutic child care and other specialized treatment services to abused, neglected, at-risk, and/or drug-affected children. Priority for services shall be given to children referred from the department of social and health services children's administration. In addition to referrals made by children's administration, the department shall authorize services for children referred to the MTCC program, as long as the children meet the eligibility requirements as outlined in the Washington state plan for the MTCC program. Of the amounts appropriated in this subsection, \$60,000 per fiscal year may be used by the department for administering the MTCC program, if needed.

\*Sec. 617 was partially vetoed. See message at end of chapter.

**NEW SECTION. Sec. 618. FOR THE STATE SCHOOL FOR THE BLIND**

General Fund—State Appropriation (FY 2012) . . . . .	\$5,780,000
General Fund—State Appropriation (FY 2013) . . . . .	\$5,746,000
General Fund—Private/Local Appropriation . . . . .	\$1,961,000
TOTAL APPROPRIATION . . . . .	\$13,487,000

The appropriations in this section are subject to the following conditions and limitations: \$271,000 of the general fund—private/local appropriation is provided solely for the school for the blind to offer short course programs, allowing students the opportunity to leave their home schools for short periods and receive intensive training. The school for the blind shall provide this service to the extent that it is funded by contracts with school districts and educational services districts.

**NEW SECTION. Sec. 619. FOR THE WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS**

General Fund—State Appropriation (FY 2012) . . . . .	\$8,451,000
General Fund—State Appropriation (FY 2013) . . . . .	\$8,449,000
General Fund—Private/Local Appropriation . . . . .	\$526,000
TOTAL APPROPRIATION . . . . .	\$17,426,000

**NEW SECTION. Sec. 620. FOR THE WASHINGTON STATE ARTS COMMISSION**

General Fund—Federal Appropriation . . . . .	\$1,961,000
General Fund—Private/Local Appropriation . . . . .	\$1,056,000
Washington State Heritage Center Account—State Appropriation . . . . .	\$2,213,000
TOTAL APPROPRIATION . . . . .	\$5,230,000

**NEW SECTION. Sec. 621. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

Washington State Heritage Center Account—State  
Appropriation. . . . . \$4,249,000

**NEW SECTION. Sec. 622. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

Washington State Heritage Center Account—State  
Appropriation. . . . . \$2,965,000

**PART VII  
SPECIAL APPROPRIATIONS**

**NEW SECTION. Sec. 701. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT**

General Fund—State Appropriation (FY 2012) . . . . . \$924,047,000  
General Fund—State Appropriation (FY 2013) . . . . . \$981,486,000  
State Building Construction Account—State  
Appropriation. . . . . \$1,589,000  
Columbia River Basin Water Supply Development  
Account—State Appropriation . . . . . \$73,000  
Hood Canal Aquatic Rehabilitation Bond Account—State  
Appropriation. . . . . \$6,000  
State Taxable Building Construction Account—State  
Appropriation. . . . . \$345,000  
Gardner-Evans Higher Education Construction  
Account—State Appropriation . . . . . \$1,000  
Debt-Limit Reimbursable Bond Retire Account—State  
Appropriation. . . . . \$2,300,000  
TOTAL APPROPRIATION . . . . . \$1,909,847,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for expenditure into the debt-limit general fund bond retirement account. The entire general fund—state appropriation for fiscal year 2012 shall be expended into the debt-limit general fund bond retirement account by June 30, 2012.

**NEW SECTION. Sec. 702. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES**

Accident Account—State Appropriation . . . . . \$4,110,000  
Medical Aid Account—State Appropriation . . . . . \$4,110,000  
TOTAL APPROPRIATION . . . . . \$8,220,000

**NEW SECTION. Sec. 703. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL**

**OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE**

General Fund—State Appropriation (FY 2012) . . . . .	\$27,516,000
General Fund—State Appropriation (FY 2013) . . . . .	\$30,758,000
Nondebt-Limit Reimbursable Bond Retirement	
Account—State Appropriation . . . . .	\$140,417,000
TOTAL APPROPRIATION . . . . .	\$198,691,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriation is for expenditure into the nondebt-limit general fund bond retirement account. The entire general fund—state appropriation for fiscal year 2012 shall be expended into the nondebt-limit general fund bond retirement account by June 30, 2012.

**NEW SECTION. Sec. 704. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES**

General Fund—State Appropriation (FY 2012) . . . . .	\$1,357,000
General Fund—State Appropriation (FY 2013) . . . . .	\$1,357,000
State Building Construction Account—State	
Appropriation. . . . .	\$1,273,000
Columbia River Basin Water Supply Development	
Account—State Appropriation . . . . .	\$12,000
Hood Canal Aquatic Rehabilitation Bond Account—State	
Appropriation. . . . .	\$1,000
State Taxable Building Construction Account—State	
Appropriation. . . . .	\$55,000
Gardner-Evans Higher Education Construction	
Account—State Appropriation . . . . .	\$1,000
TOTAL APPROPRIATION . . . . .	\$4,056,000

**NEW SECTION. Sec. 705. FOR THE OFFICE OF FINANCIAL MANAGEMENT—FIRE CONTINGENCY**

General Fund—State Appropriation (FY 2012) . . . . .	\$4,000,000
General Fund—State Appropriation (FY 2013) . . . . .	\$4,000,000
TOTAL APPROPRIATION . . . . .	\$8,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the disaster response account to be used for any Washington state fire service resource mobilization costs incurred by the Washington state patrol in response to an emergency or disaster authorized under RCW 43.43.960 and 43.43.964.

**NEW SECTION. Sec. 706. FOR THE OFFICE OF FINANCIAL MANAGEMENT—DISASTER RESPONSE ACCOUNT**

General Fund—State Appropriation (FY 2012) . . . . .	\$14,575,000
General Fund—State Appropriation (FY 2013) . . . . .	\$75,000
TOTAL APPROPRIATION . . . . .	\$14,650,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the

disaster response account. \$5,000,000 of the appropriation is provided for emergency fire suppression by the department of natural resources.

**NEW SECTION. Sec. 707. FOR THE OFFICE OF FINANCIAL MANAGEMENT—EMERGENCY FUND**

General Fund—State Appropriation (FY 2012) . . . . .	\$850,000
General Fund—State Appropriation (FY 2013) . . . . .	\$850,000
TOTAL APPROPRIATION . . . . .	\$1,700,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are for the governor's emergency fund for the critically necessary work of any agency.

**NEW SECTION. Sec. 708. FOR THE OFFICE OF FINANCIAL MANAGEMENT—EDUCATION TECHNOLOGY REVOLVING ACCOUNT**

General Fund—State Appropriation (FY 2012) . . . . .	\$8,000,000
General Fund—State Appropriation (FY 2013) . . . . .	\$8,000,000
TOTAL APPROPRIATION . . . . .	\$16,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for expenditure into the education technology revolving account for the purpose of covering ongoing operational and equipment replacement costs incurred by the K-20 educational network program in providing telecommunication services to network participants.

**NEW SECTION. Sec. 709. INCENTIVE SAVINGS—FY 2012**

The sum of one hundred twenty-five million dollars or so much thereof as may be available on June 30, 2012, from the total amount of unspent fiscal year 2012 state general fund appropriations, exclusive of amounts expressly placed into unallotted status by this act, is appropriated for the purposes of RCW 43.79.460 in the manner provided in this section.

- (1) Of the total appropriated amount, one-half of that portion that is attributable to incentive savings, not to exceed twenty-five million dollars, is appropriated to the savings incentive account for the purpose of improving the quality, efficiency, and effectiveness of agency services, and credited to the agency that generated the savings.
- (2) The remainder of the total amount, not to exceed one hundred million dollars, is appropriated to the education savings account.

**NEW SECTION. Sec. 710. INCENTIVE SAVINGS—FY 2013**

The sum of one hundred twenty-five million dollars or so much thereof as may be available on June 30, 2013, from the total amount of unspent fiscal year 2013 state general fund appropriations, exclusive of amounts expressly placed into unallotted status by this act, is appropriated for the purposes of RCW 43.79.460 in the manner provided in this section.

- (1) Of the total appropriated amount, one-half of that portion that is attributable to incentive savings, not to exceed twenty-five million dollars, is appropriated to the savings incentive account for the purpose of improving the quality, efficiency, and effectiveness of agency services, and credited to the agency that generated the savings.



(2) The remainder of the total amount, not to exceed one hundred million dollars, is appropriated to the education savings account.

**NEW SECTION. Sec. 711. FOR THE OFFICE OF FINANCIAL MANAGEMENT—O'BRIEN BUILDING IMPROVEMENT**

General Fund—State Appropriation (FY 2012) . . . . .	\$2,846,000
General Fund—State Appropriation (FY 2013) . . . . .	\$2,950,000
TOTAL APPROPRIATION . . . . .	\$5,796,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the general administration services account for payment of principal, interest, and financing expenses associated with the certificate of participation for the O'Brien building improvement, project number 20081007.

**NEW SECTION. Sec. 712.**

**FOR THE DEPARTMENT OF HEALTH—COUNTY PUBLIC HEALTH ASSISTANCE**

General Fund—State Appropriation (FY 2012) . . . . .	\$24,000,000
General Fund—State Appropriation (FY 2013) . . . . .	\$24,000,000
TOTAL APPROPRIATION . . . . .	\$48,000,000

The appropriations in this section are subject to the following conditions and limitations: The director of the department of health shall distribute the appropriations to the following counties and health districts in the amounts designated to support public health services, including public health nursing:

Health District	FY 2012	FY 2013	FY 2011-13 Biennium
Adams County Health District	\$30,951	\$30,951	\$61,902
Asotin County Health District	\$67,714	\$67,714	\$135,428
Benton-Franklin Health District	\$1,165,612	\$1,165,612	\$2,331,224
Chelan-Douglas Health District	\$184,761	\$184,761	\$369,522
Clallam County Health and Human Services Department	\$141,752	\$141,752	\$283,504
Clark County Health District	\$1,057,792	\$1,057,792	\$2,115,594
Skamania County Health Department	\$26,681	\$26,681	\$53,362
Columbia County Health District	\$40,529	\$40,529	\$81,058
Cowlitz County Health Department	\$278,560	\$278,560	\$557,120
Garfield County Health District	\$15,028	\$15,028	\$30,056
Grant County Health District	\$118,595	\$118,596	\$237,191
Grays Harbor Health Department	\$183,870	\$183,870	\$367,740
Island County Health Department	\$91,892	\$91,892	\$183,784

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Jefferson County Health and Human Services	\$85,782	\$85,782	\$171,564
Seattle-King County Department of Public Health	\$9,531,747	\$9,531,747	\$19,063,494
Bremerton-Kitsap County Health District	\$554,669	\$554,669	\$1,109,338
Kittitas County Health Department	\$92,499	\$92,499	\$184,998
Klickitat County Health Department	\$62,402	\$62,402	\$124,804
Lewis County Health Department	\$105,801	\$105,801	\$211,602
Lincoln County Health Department	\$29,705	\$29,705	\$59,410
Mason County Department of Health Services	\$95,988	\$95,988	\$191,976
Okanogan County Health District	\$63,458	\$63,458	\$126,916
Pacific County Health Department	\$77,427	\$77,427	\$154,854
Tacoma-Pierce County Health Department	\$2,820,590	\$2,820,590	\$5,641,180
San Juan County Health and Community Services	\$37,531	\$37,531	\$75,062
Skagit County Health Department	\$223,927	\$223,927	\$447,854
Snohomish Health District	\$2,258,207	\$2,258,207	\$4,516,414
Spokane County Health District	\$2,101,429	\$2,101,429	\$4,202,858
Northeast Tri-County Health District	\$110,454	\$110,454	\$220,908
Thurston County Health Department	\$600,419	\$600,419	\$1,200,838
Wahkiakum County Health Department	\$13,773	\$13,772	\$27,545
Walla Walla County-City Health Department	\$172,062	\$172,062	\$344,124
Whatcom County Health Department	\$855,863	\$855,863	\$1,711,726
Whitman County Health Department	\$78,733	\$78,733	\$157,466
Yakima Health District	\$623,797	\$623,797	\$1,247,594
<b>TOTAL APPROPRIATIONS</b>	<b>\$24,000,000</b>	<b>\$24,000,000</b>	<b>\$48,000,000</b>

**NEW SECTION. Sec. 713. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—CONTRIBUTIONS TO RETIREMENT SYSTEMS**

The appropriations in this section are subject to the following conditions and limitations: The appropriations for the law enforcement officers' and firefighters' retirement system shall be made on a monthly basis beginning July 1, 2011, consistent with chapter 41.45 RCW, and the appropriations for the judges and judicial retirement systems shall be made on a quarterly basis consistent with chapters 2.10 and 2.12 RCW.

(1) There is appropriated for state contributions to the law enforcement officers' and firefighters' retirement system:

General Fund—State Appropriation (FY 2012) . . . . .	\$54,547,000
General Fund—State Appropriation (FY 2013) . . . . .	\$56,729,000
TOTAL APPROPRIATION . . . . .	\$111,276,000

(2) There is appropriated for contributions to the judicial retirement system:

General Fund—State Appropriation (FY 2012) . . . . .	\$9,100,000
General Fund—State Appropriation (FY 2013) . . . . .	\$13,100,000
TOTAL APPROPRIATION . . . . .	\$22,200,000

**NEW SECTION. Sec. 714. BELATED CLAIMS**

The agencies and institutions of the state may expend moneys appropriated in this act, upon approval of the office of financial management, for the payment of supplies and services furnished to the agency or institution in prior fiscal biennia.

**NEW SECTION. Sec. 715. FOR THE OFFICE OF FINANCIAL MANAGEMENT—EXTRAORDINARY CRIMINAL JUSTICE COSTS**

General Fund—State Appropriation (FY 2012) . . . . . \$591,000

The appropriation in this section is subject to the following conditions and limitations: The director of financial management shall distribute \$338,000 to Franklin county, \$128,000 to Jefferson county, and \$125,000 to Okanogan county for extraordinary criminal justice costs.

**\*NEW SECTION. Sec. 716. FOR THE OFFICE OF FINANCIAL MANAGEMENT—AGENCY REALLOCATION AND REALIGNMENT COMMISSION**

General Fund—State Appropriation (FY 2012) . . . . . \$100,000

*The appropriation in this section is subject to the following conditions and limitations:*

*(1) The agency reallocation and realignment of Washington (ARROW) commission on restructuring state government is established, with members as provided in this section.*

*(a) The governor, the president of the senate, and the speaker of the house of representatives shall each appoint two members to the commission, each of whom shall have broad statewide policy and fiscal experience. Each appointing authority shall appoint a member to replace any member who resigns.*

*(b) The commission shall choose its chair from among its membership or may select a representative of the administering higher education institution*

*as chair. The president of the senate and the speaker of the house, or their mutually selected designee, shall convene the initial meeting of the commission and shall preside until a chair is chosen.*

*(2) The commission shall:*

*(a) Review budget, revenue, and caseload forecasts and estimates over the ensuing six-year period;*

*(b) Examine current operations and organization of state government, assuming no expansion of current funding sources; and*

*(c) Evaluate operational and organizational restructuring possibilities to find cost savings and efficiencies in order to maintain or enhance governmental functions with fewer resources.*

*(3) The commission may make proposals to:*

*(a) Adopt methods and procedures for reducing expenditures to the lowest amount consistent with the efficient performance of essential services, activities, and functions;*

*(b) Eliminate duplication and overlapping of services, activities, and functions, and time-consuming or wasteful practices;*

*(c) Consolidate services, activities, and functions of a similar nature;*

*(d) Abolish services, activities, and functions to improve the efficient operation of government;*

*(e) Eliminate state departments and agencies, create new state departments and agencies, reorganize existing state departments and agencies, and transfer functions and responsibilities among state departments and agencies;*

*(f) Define or redefine the duties and responsibilities of state officers; and*

*(g) Revise present provisions for continuing appropriations of state funds of whatever kind for whatever purpose, eliminate any such existing provisions, or adopt new provisions.*

*(4) Staffing and administrative support to the commission shall be provided by a university or college that volunteers to do so.*

*(5) Commissioners are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 from funds appropriated to the commission.*

*(6) The expenses of the commission shall be paid out of funds appropriated to the commission, funds made available by the university or college administering the commission, and gifts, grants, and donations.*

*(7) The commission shall report its findings and recommendations, including proposed legislation, to the appropriate committees of the legislature. Recommendations may be in bill form as proposed legislation, as appropriations or revenue proposals, revisions to administrative rules, or other appropriate formats.*

*(8) The office of the code reviser shall assist the commission with bill drafting as needed.*

*(9) This section expires June 30, 2012.*

*\*Sec. 716 was vetoed. See message at end of chapter.*

**NEW SECTION. Sec. 717. FOR THE OFFICE OF FINANCIAL MANAGEMENT—STATE EFFICIENCY AND RESTRUCTURING REPAYMENT**

General Fund—State Appropriation (FY 2012) . . . . . \$5,487,000

General Fund—State Appropriation (FY 2013) . . . . .	\$5,487,000
TOTAL APPROPRIATION . . . . .	\$10,974,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for expenditure into the cleanup settlement account on July 1, 2011, and July 1, 2012, as repayment of moneys that were transferred to the state efficiency and restructuring account.

**NEW SECTION. Sec. 718.** A new section is added to 2011 c 367 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—  
TRANSPORTATION EMPLOYEES—RETIREMENT SYSTEM  
CONTRIBUTIONS**

Dedicated Funds and Accounts Appropriation . . . . .	\$148,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely to increase agency and institution appropriations in accordance with the schedules in LEAP Transportation Document C-AFS dated May 22, 2011, which is hereby incorporated by reference. The office of financial management shall allocate the moneys appropriated in this section in the amounts specified and adjust appropriation schedules accordingly.

(2) The appropriation in this section reflects additional retirement system contributions resulting from House Bill No. 2070 (average final compensation). If the bill is not enacted by June 30, 2011, the amounts provided in this section shall lapse.

**NEW SECTION. Sec. 719.** A new section is added to 2011 c 367 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—  
TRANSPORTATION EMPLOYEES—RETIREMENT SYSTEM  
CONTRIBUTIONS**

Dedicated Funds and Accounts Appropriation . . . . .	(\$64,000)
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The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely to reduce agency and institution appropriations in accordance with the schedules in LEAP Transportation Document C-RTA dated May 22, 2011, which is hereby incorporated by reference. The office of financial management shall allocate the moneys appropriated in this section in the amounts specified and adjust appropriation schedules accordingly.

(2) The appropriation in this section reflects reduced retirement system contributions resulting from Substitute Bill No. 1981 (higher education retirement plans and postretirement employment). If the bill is not enacted by June 30, 2011, this section shall not take effect.

**NEW SECTION. Sec. 720.** A new section is added to 2011 c 367 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—  
TRANSPORTATION EMPLOYEE SALARY REDUCTIONS**

Dedicated Funds and Accounts Appropriation . . . . . (\$17,856,000)

The appropriation in this section is solely for the purposes designated in this section and is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely to reduce agency appropriations in the transportation appropriations act to reflect savings associated with a 3.0 percent salary reduction for state employees as provided in Substitute Senate Bill No. 5860 (state government employee compensation).

(2) The appropriation from dedicated funds and accounts shall be made in the amounts specified and from the dedicated funds and accounts specified in LEAP Transportation Document C-GLK dated May 22, 2011, which is hereby incorporated by reference. The office of financial management shall allocate the moneys appropriated in this section in the amounts specified and to the state agencies specified in LEAP Transportation Document C-GLK and adjust appropriation schedules accordingly. The office of financial management shall make any further allotment adjustments necessary to reflect agency mergers or consolidations assumed in this act.

*\*NEW SECTION. Sec. 721.* A new section is added to 2011 c 367 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—  
TRANSPORTATION EMPLOYEES RETIREMENT SYSTEM  
CONTRIBUTIONS**

Dedicated Funds and Accounts Appropriation . . . . . (\$13,576,000)

The appropriation in this section is solely for the purposes designated in this section and is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely to reduce agency appropriations in the transportation appropriations act to reflect retirement system employer contribution rate changes. The appropriation from dedicated funds and accounts shall be made in the amounts specified and from the dedicated funds and accounts specified in LEAP Transportation Document C-GLU dated May 22, 2011, which is hereby incorporated by reference. The office of financial management shall allocate the moneys appropriated in this section in the amounts specified and to the state agencies specified in LEAP Transportation Document C-GLU and adjust appropriation schedules accordingly.

(2) *The appropriation in this section reflect reduced retirement system contributions resulting from Senate Bill No. 5920 (limiting annual increase amounts). If the bill is not enacted by June 30, 2011, this section shall not take effect.*

*\*Sec. 721 was partially vetoed. See message at end of chapter.*

**NEW SECTION. Sec. 722. FOR THE OFFICE OF FINANCIAL  
MANAGEMENT—CENTRAL SERVICES EFFICIENCIES**

The office of financial management shall work with the appropriate state agencies to generate savings of \$1,875,000 from the state general fund resulting from Senate Bill No. 5931 (state government). From appropriations in this act, the office of financial management shall reduce general fund—state allotments by \$1,875,000 for fiscal year 2013 to reflect savings resulting from Senate Bill

No. 5931 (state government). The allotment reductions shall be placed in unallotted status and remain unexpended.

**NEW SECTION. Sec. 723. FOR THE OFFICE OF FINANCIAL MANAGEMENT—TRANSITIONAL HOUSING OPERATING AND RENT ACCOUNT**

Home Security Fund—State Appropriation . . . . . \$7,500,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the transitional housing operating and rent account.

**\*NEW SECTION. Sec. 724. COMPENSATION—RETIRED SCHOOL EMPLOYEES—INSURANCE BENEFITS**

General Fund—State Appropriation (FY 2012) . . . . . \$1,332,000

General Fund—State Appropriation (FY 2013) . . . . . \$1,332,000

**TOTAL APPROPRIATION . . . . . \$2,664,000**

*The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for deposit into the public employees' and retirees' insurance account to offset the cost of providing monthly subsidies for retired teachers pursuant to Substitute Senate Bill No. 5846 (health benefit subsidies). If the bill is not enacted by June 30, 2011, the appropriations shall lapse.*

\*Sec. 724 was vetoed. See message at end of chapter.

**NEW SECTION. Sec. 725. FOR THE OFFICE OF FINANCIAL MANAGEMENT—INDUSTRIAL INSURANCE SAVINGS**

From the appropriations in this act, the office of financial management shall reduce general fund—state allotments for fiscal year 2012 by \$3,014,000 and for fiscal year 2013 by \$3,015,000 to reflect savings in the industrial insurance costs of state agencies resulting from the implementation of House Bill No. 2123 (workers' compensation system). The allotment reductions shall be placed in reserve status and remain unexpended. If the bill is not enacted by June 30, 2011, this section shall not take effect.

**NEW SECTION. Sec. 726. FOR THE OFFICE OF FINANCIAL MANAGEMENT—VEHICLE LICENSE FRAUD ACCOUNT**

General Fund—State Appropriation (FY 2012) . . . . . \$100,000

General Fund—State Appropriation (FY 2013) . . . . . \$100,000

**TOTAL APPROPRIATION . . . . . \$200,000**

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for expenditure into the vehicle license fraud account.

**PART VIII  
OTHER TRANSFERS AND APPROPRIATIONS**

**NEW SECTION. Sec. 801.**

**FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION**

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General Fund Appropriation for fire insurance premium distributions . . . . .	\$8,368,000
General Fund Appropriation for public utility district excise tax distributions . . . . .	\$49,418,000
General Fund Appropriation for prosecuting attorney distributions . . . . .	\$6,281,000
General Fund Appropriation for boating safety and education distributions . . . . .	\$4,000,000
General Fund Appropriation for other tax distributions . . . . .	\$58,000
General Fund Appropriation for habitat conservation program distributions . . . . .	\$3,000,000
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies . . . . .	\$2,960,000
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution . . . . .	\$160,000
Timber Tax Distribution Account Appropriation for distribution to "timber" counties . . . . .	\$40,421,000
County Criminal Justice Assistance Appropriation . . . . .	\$69,801,000
Municipal Criminal Justice Assistance Appropriation . . . . .	\$26,950,000
City-County Assistance Account Appropriation for local government financial assistance distribution . . . . .	\$16,589,000
Liquor Excise Tax Account Appropriation for liquor excise tax distribution . . . . .	\$52,152,000
Streamlined Sales and Use Tax Mitigation Account Appropriation for distribution to local taxing jurisdictions to mitigate the unintended revenue redistribution effect of the sourcing law changes . . . . .	\$49,635,000
Columbia River Water Delivery Account Appropriation for the Confederated Tribes of the Colville Reservation . . . . .	\$7,441,000
Columbia River Water Delivery Account Appropriation for the Spokane Tribe of Indians . . . . .	\$4,748,000
Liquor Revolving Account Appropriation for liquor profits distribution . . . . .	\$69,318,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$411,301,000</b>

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

**NEW SECTION. Sec. 802.**

**FOR THE STATE TREASURER—FOR THE COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

Impaired Driver Safety Account Appropriation . . . . .	\$2,501,000
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The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2011-2013 fiscal biennium in accordance with RCW 82.14.310. This funding is provided to counties for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of



1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

**NEW SECTION. Sec. 803.**

**FOR THE STATE TREASURER—MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

Impaired Driver Safety Account Appropriation . . . . . \$1,666,000

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2011-2013 biennium to all cities ratably based on population as last determined by the office of financial management. The distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located. This funding is provided to cities for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

**NEW SECTION. Sec. 804.**

**FOR THE STATE TREASURER—FEDERAL REVENUES FOR DISTRIBUTION**

General Fund Appropriation for federal flood control  
funds distribution . . . . . \$74,000  
General Fund Appropriation for federal grazing fees  
distribution . . . . . \$2,430,000  
Forest Reserve Fund Appropriation for federal forest  
reserve fund distribution . . . . . \$29,175,000  
TOTAL APPROPRIATION . . . . . \$31,679,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

**\*NEW SECTION. Sec. 805.**

**FOR THE STATE TREASURER—TRANSFERS**

State Treasurer's Service Account: For transfer to  
the state general fund, \$10,000,000 for fiscal  
year 2012 and \$15,000,000 for fiscal year 2013 . . . . . \$25,000,000

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Waste Reduction, Recycling, and Litter Control Account: For transfer to the state general fund, \$3,500,000 for fiscal year 2012 and \$3,500,000 for fiscal year 2013 . . . . .	\$7,000,000
Aquatics Lands Enhancement Account: For transfer to the state general fund, \$3,500,000 for fiscal year 2012 and \$3,500,000 for fiscal year 2013 . . . . .	\$7,000,000
Drinking Water Assistance Account: For transfer to the drinking water assistance repayment account . . . . .	\$38,000,000
Economic Development Strategic Reserve Account: For transfer to the state general fund, \$2,100,000 for fiscal year 2012 and \$2,100,000 for fiscal year 2013 . . . . .	\$4,200,000
General Fund: For transfer to the streamlined sales and use tax account, \$24,846,000 for fiscal year 2012 and \$24,789,000 for fiscal year 2013 . . . . .	\$49,635,000
Public Works Assistance Account: For transfer to the water pollution control revolving account, \$7,750,000 for fiscal year 2012 and \$7,750,000 for fiscal year 2013 . . . . .	\$15,500,000
The Charitable, Educational, Penal, and Reformatory Institutions Account: For transfer to the state general fund, \$4,500,000 for fiscal year 2012 and \$4,500,000 for fiscal year 2013 . . . . .	\$9,000,000
Thurston County Capital Facilities Account: For transfer to the state general fund, \$4,000,000 for fiscal year 2012 and \$4,000,000 for fiscal year 2013 . . . . .	\$8,000,000
Public Works Assistance Account: For transfer to the drinking water assistance account, \$10,000,000 for fiscal year 2012 and \$5,000,000 for fiscal year 2013 . . . . .	\$15,000,000
Liquor Control Board Construction and Maintenance Account: For transfer to the state general fund, \$500,000 for fiscal year 2012 and \$500,000 for fiscal year 2013 . . . . .	\$1,000,000
Education Savings Account: For transfer to the state general fund, \$22,500,000 for fiscal year 2012 and \$22,500,000 for fiscal year 2013 . . . . .	\$45,000,000
Department of Retirement Systems Expense Account: For transfer to the state general fund, \$250,000 for fiscal year 2012 and \$250,000 for fiscal year 2013 . . . . .	\$500,000
Education Construction Account: For transfer to the state general fund, \$102,000,000 for fiscal year 2012 and \$102,000,000 for fiscal year 2013 . . . . .	\$204,000,000
Public Works Assistance Account: For transfer to the state general fund, \$25,000,000 for fiscal year 2012 and \$25,000,000 for fiscal year 2013 . . . . .	\$50,000,000

Foster Care Endowed Scholarship Trust Fund: For transfer to the state general fund, \$200,000 for fiscal year 2012 and \$200,000 for fiscal year 2013 . . . . .	\$400,000
Affordable Housing For All Account: For transfer to the home security fund, \$1,000,000 for fiscal year 2012 and \$1,000,000 for fiscal year 2013 . . . . .	\$2,000,000
Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the actual amount of the annual base payment to the tobacco settlement account . . . . .	\$158,205,000
Tobacco Settlement Account: For transfer to the basic health plan stabilization account from the amounts deposited in the account that are attributable to the annual strategic contribution payment received in fiscal year 2012 . . . . .	\$22,000,000
Tobacco Settlement Account: For transfer to the basic health plan stabilization account from the amounts deposited in the account that are attributable to the annual strategic contribution payment received in fiscal year 2013 . . . . .	\$22,000,000
Tobacco Settlement Account: For transfer to the life sciences discovery fund, in an amount not to exceed the actual remaining amount of the annual strategic contribution payment to the tobacco settlement account for fiscal year 2012 . . . . .	\$6,000,000
Tobacco Settlement Account: For transfer to the life sciences discovery fund, in an amount not to exceed the actual remaining amount of the annual strategic contribution payment to the tobacco settlement account for fiscal year 2013 . . . . .	\$6,000,000

The transfer to the life sciences discovery fund is subject to the following conditions:

- (1) All new grants awarded during the 2011-2013 fiscal biennium shall support and accelerate the commercialization of an identifiable product;
- (2) *Prior to the awarding of new grants, the life sciences discovery fund authority must seek the input of the executive director of the Washington economic development commission;*
- (3) *Upon the recommendation of the Washington economic development commission, funds may be used for the recruitment of life sciences researchers who have a history of commercialization of new technologies, to public research institutions in the state;*
- (4) *Funds may be used to collaborate and contract with innovate Washington in commercializing life sciences technology and promoting biomedical manufacturing;*
- (5) *Funds may be granted to public and private entities for the purpose of leveraging private funds to the highest degree possible. Proposals involving a startup company or corporate participant must be given a higher priority;*

*(6) The life sciences discovery fund authority must develop a payment system that allows both regular payments and payments based on deliverables for the purpose of assisting with initial project costs; and*

*(7) By December 1, 2013, the life sciences discovery fund must report to the fiscal and economic development committees of the legislature on the impact of grant awards on commercialization.*

\*Sec. 805 was partially vetoed. See message at end of chapter.

## PART IX MISCELLANEOUS

### NEW SECTION. Sec. 901. EXPENDITURE AUTHORIZATIONS

The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formal loan agreement shall be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 2009-2011 fiscal biennium.

### NEW SECTION. Sec. 902. EMERGENCY FUND ALLOCATIONS

Whenever allocations are made from the governor's emergency fund appropriation to an agency that is financed in whole or in part by other than general fund moneys, the director of financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. An appropriation is not necessary to effect such repayment.

### NEW SECTION. Sec. 903. STATUTORY APPROPRIATIONS

In addition to the amounts appropriated in this act for revenues for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system plan 2, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under chapters 39.94 and 39.96 RCW or any proper bond covenant made under law.

### NEW SECTION. Sec. 904. BOND EXPENSES

In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the applicable construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

### NEW SECTION. Sec. 905. VOLUNTARY RETIREMENT, SEPARATION, AND DOWNSHIFTING INCENTIVES

As a management tool to reduce costs and make more effective use of resources, while improving employee productivity and morale, agencies may implement a voluntary retirement, separation, and/or downshifting incentive program that is cost neutral or results in cost savings over a two-year period following the commencement of the program, provided that such a program is

approved by the director of financial management. Agencies participating in this authorization may offer voluntary retirement, separation, and/or downshifting incentives and options according to procedures and guidelines established by the office of financial management, in consultation with the department of personnel and the department of retirement systems. The options may include, but are not limited to, financial incentives for: Voluntary separation or retirement, voluntary leave without pay, voluntary work week or work hour reduction, voluntary downward movement, or temporary separation for development purposes. An employee does not have a contractual right to a financial incentive offered pursuant to this section. Offers shall be reviewed and monitored jointly by the department of personnel and the department of retirement systems. Agencies are required to submit a report by June 30, 2013, to the legislature and the office of financial management on the outcome of their approved incentive program. The report should include information on the details of the program including the cost of the incentive per participant, the total cost to the state, and the projected or actual net dollar savings over the 2011-2013 biennium.

**NEW SECTION. Sec. 906. COLLECTIVE BARGAINING AGREEMENTS NOT IMPAIRED**

Nothing in this act prohibits the expenditure of any funds by an agency or institution of the state for benefits guaranteed by any collective bargaining agreement in effect on the effective date of this section.

**NEW SECTION. Sec. 907. COLLECTIVE BARGAINING AGREEMENTS**

The following sections represent the results of the 2011-2013 collective bargaining process required under the provisions of chapters 41.80 and 41.56 RCW. Provisions of the collective bargaining agreements contained in this act are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not contain the complete contents of the agreements. The collective bargaining agreements or the continuation of terms and conditions of the 2009-2011 agreements contained in Part IX of this act may also be funded by expenditures from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided.

**NEW SECTION. Sec. 908. COLLECTIVE BARGAINING AGREEMENTS—WFSE, TEAMSTERS, UFCW, WAFWP, IFPTE 17, COALITION OF UNIONS**

Agreements have been reached between the governor and the following unions: Washington federation of state employees, teamsters local union 117, united food and commercial workers, Washington association of fish and wildlife professionals, international federation of professional and technical engineers local 17, and the coalition of unions, under the provisions of chapter 41.80 RCW for the 2011-2013 biennium subject to union internal processes/procedures. Funding is reduced to reflect a 3.0 percent temporary salary reduction for all employees whose monthly full-time equivalent salary is \$2,500 or more per month covered under the agreements for fiscal years 2012 and 2013 through June 29, 2013. Effective June 30, 2013, the salary schedules effective July 1, 2009, through June 30, 2011 will be reinstated. For employees entitled to

leave, temporary salary reduction leave is granted for the term of the 2011-2013 agreement.

**NEW SECTION. Sec. 909. COLLECTIVE BARGAINING AGREEMENT—SEIU HEALTHCARE 1199NW**

An agreement has been reached between the governor and the service employees international union healthcare 1199nw under the provisions of chapter 41.80 RCW for the 2011-2013 biennium subject to union internal processes/procedures. Funding is reduced to reflect 8 days of leave without pay per year for fiscal years 2012 and 2013.

**NEW SECTION. Sec. 910. COLLECTIVE BARGAINING AGREEMENT—TERMS AND CONDITIONS**

No agreements have been reached between the governor and the following unions: Washington public employees association, Washington public employees association higher education community college coalition, Washington federation of state employees higher education community college coalition, Washington federation of state employees Central Washington University, Washington federation of state employees Western Washington University, Washington federation of state employees The Evergreen State College, and public school employees Western Washington University, under the provisions of chapter 41.80 RCW for the 2011-2013 biennium. Appropriations in this act provide funding to continue the terms and conditions of the 2009-2011 general government and higher education agreements negotiated by the office of financial management's labor relations office under the provisions of chapter 41.80 RCW. For fiscal year 2012, appropriations have been reduced in an amount equal to a 3 percent salary reduction for all represented employees whose monthly full-time equivalent salary is \$2,500 or more per month. This reduction will be implemented according to the terms and conditions of the 2009-2011 agreements. For fiscal year 2013, funding is reduced to reflect a 3.0 percent temporary salary reduction for all employees whose monthly full-time equivalent salary is \$2,500 or more per month through June 29, 2013. Effective June 30, 2013, the salary schedules effective July 1, 2009, through June 30, 2011, will be reinstated. For employees entitled to leave, temporary salary reduction leave is granted for fiscal year 2013. These changes will be implemented according to law.

**NEW SECTION. Sec. 911. COLLECTIVE BARGAINING AGREEMENT—WSP TROOPERS ASSOCIATION**

No agreement has been reached between the governor and the Washington state patrol trooper's association under the provisions of chapter 41.56 RCW for the 2011-2013 biennium. Appropriations in this act for the Washington state patrol provide funding to continue the provisions of the 2009-2011 agreement.

**NEW SECTION. Sec. 912. COLLECTIVE BARGAINING AGREEMENT—WSP LIEUTENANTS ASSOCIATION**

No agreement has been reached between the governor and the Washington state patrol lieutenant's association under the provisions of chapter 41.56 RCW for the 2011-2013 biennium. Appropriations in this act for the Washington state patrol provide funding to continue the provisions of the 2009-2011 agreement.

**NEW SECTION. Sec. 913. COLLECTIVE BARGAINING AGREEMENT FOR NONSTATE EMPLOYEES—SEIU HEALTHCARE 775NW HOMECARE WORKERS**

An agreement has been reached between the governor and the service employees international union healthcare 775nw under chapter 74.39A RCW for the 2011-2013 fiscal biennium, subject to union internal processes and procedures. Appropriations pursuant to sections 205 and 206 of this act reflect the tentative agreement reached on January 6, 2011, and include an increase in the state's health care contributions for individual providers of home care services. Due to policy reductions elsewhere in this act that reduce personal care hours, delay increases to required training, and modify agency parity requirements, no additional appropriation is included for the health care increase. Appropriations in sections 205 and 206 of this act are reduced to reflect a reduced contribution to the training partnership due to the delay in the implementation of increased required training.

**NEW SECTION. Sec. 914. COLLECTIVE BARGAINING AGREEMENT FOR NONSTATE EMPLOYEES—SEIU LOCAL 925 CHILDCARE WORKERS**

An agreement has been reached between the governor and the service employees international union local 925 under the provisions of chapter 41.56 RCW for the 2011-2013 biennium, subject to union internal processes/procedures. Funding for an increase in the state's health care contribution for childcare workers is included in the budget.

**NEW SECTION. Sec. 915. COLLECTIVE BARGAINING AGREEMENT FOR NONSTATE EMPLOYEES—WSRCC ADULT FAMILY HOMES**

Appropriations in this act reflect the collective bargaining agreement reached between the governor and the Washington state residential care council under the provisions of chapter 41.56 RCW for the 2011-2013 biennium. For those covered under this agreement, economic provisions are the same as the terms and conditions in the 2009-2011 agreement.

**NEW SECTION. Sec. 916. COLLECTIVE BARGAINING AGREEMENT—CENTRAL WASHINGTON UNIVERSITY PUBLIC SCHOOL EMPLOYEES OF WASHINGTON**

An agreement has been reached between Central Washington University and the public school employees of Washington under the provisions of chapter 41.80 RCW for the 2011-2013 biennium subject to union internal processes/procedures. Funding is reduced to reflect a 3.0 percent temporary salary reduction for all employees whose monthly full-time equivalent salary is \$2,500 or more per month for fiscal years 2012 and 2013 through June 29, 2013. Effective June 30, 2013, the salary schedules effective July 1, 2009 through June 30, 2011 will be reinstated. For employees entitled to leave temporary salary reduction leave is granted for the term of the 2011-2013 agreement.

**NEW SECTION. Sec. 917. COLLECTIVE BARGAINING AGREEMENT—WASHINGTON STATE UNIVERSITY POLICE GUILD**

An agreement has been reached between Washington State University and the Washington State University police guild. The financial provisions of the 2009-2011 remain in place for the 2011-2013 biennium.

**NEW SECTION. Sec. 918. COLLECTIVE BARGAINING AGREEMENT FOR WFSE POLICE MANAGEMENT ASSOCIATION**

An agreement has been reached between the University of Washington and the Washington federation of state employees police management association under chapter 41.80 RCW for the 2011-2013 fiscal biennium, subject to union internal processes and procedures. If appropriations in this act require reduced salaries and wages, the agreement can be reopened to negotiate compliance with the requirement.

**NEW SECTION. Sec. 919. COLLECTIVE BARGAINING AGREEMENTS—UNIVERSITY OF WASHINGTON AND WASHINGTON STATE UNIVERSITY**

Appropriations in this act reflect the collective bargaining agreements reached between the University of Washington and the service employees' international union 925 and the Washington federation of state employees and between Washington State University and the Washington federation of state employees. The financial provisions of the 2009-2011 contracts remain in place for the 2011-2013 fiscal biennium. For the contract period 2011-2013, appropriations have been reduced in an amount equal to a temporary three percent salary reduction for all represented employees making \$2,500 or more per month. Reductions will be implemented according to the terms and conditions of the 2011 agreements.

**NEW SECTION. Sec. 920. COMPENSATION—NONREPRESENTED EMPLOYEES—INSURANCE BENEFITS**

Appropriations for state agencies in this act are sufficient for nonrepresented state employee health benefits for state agencies, including institutions of higher education, and are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$850 per eligible employee for fiscal year 2012. For fiscal year 2013 the monthly employer funding rate shall not exceed \$850 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. For calendar years 2012 and 2013, the subsidy shall be \$150.00 per month.



(3) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(a) For each full-time employee, \$66.01 per month beginning September 1, 2011, and \$67.91 beginning September 1, 2012;

(b) For each part-time employee, who at the time of the remittance is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$66.01 each month beginning September 1, 2011, and \$67.91 beginning September 1, 2012, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives. The remittance requirements specified in this subsection shall not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

**NEW SECTION. Sec. 921. COMPENSATION—REPRESENTED EMPLOYEES OUTSIDE SUPER COALITION—INSURANCE BENEFITS**

Appropriations for state agencies in this act are sufficient for represented employees outside the super coalition for health benefits, and are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$850 per eligible employee for fiscal year 2012. For fiscal year 2013 the monthly employer funding rate shall not exceed \$850 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. For calendar years 2012 and 2013, the subsidy shall be \$150.00 per month.

(3) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(a) For each full-time employee, \$66.01 per month beginning September 1, 2011, and \$67.91 beginning September 1, 2012;

(b) For each part-time employee, who at the time of the remittance is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$66.01 each month beginning September 1, 2011, and \$67.91 beginning September 1, 2012, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives. The remittance requirements specified in this subsection shall not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

**NEW SECTION. Sec. 922. COMPENSATION—REPRESENTED EMPLOYEES—SUPER COALITION—INSURANCE BENEFITS**

The collective bargaining agreement negotiated with the super coalition under chapter 41.80 RCW includes employer premiums at 85 percent of the total weighted average of the projected health care premiums across all plans and tiers. Appropriations in this act for state agencies, including institutions of higher education are sufficient to fund state employees health benefits for employees represented by the super coalition on health benefits, and are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$850 per eligible employee for fiscal year 2012. For fiscal year 2013 the monthly employer funding rate shall not exceed \$850 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. For calendar years 2012 and 2013, the subsidy shall be \$150.00 per month.

**NEW SECTION. Sec. 923. COLLECTIVE BARGAINING AGREEMENTS—LANGUAGE ACCESS PROVIDERS**

If the governor and the Washington federation of state employees reach an agreement under chapter 41.56 RCW for the 2011-2013 fiscal biennium that does not exceed the funding provided in section 213 of this act for spoken language interpreter services, after reserving the requisite amount of that funding for contracts with delivery organizations including foreign language agencies, funding for the agreement shall be considered approved pursuant to RCW 41.56.510(8) and the parties shall execute the agreement.

**NEW SECTION. Sec. 924. COLLECTIVE BARGAINING AGREEMENTS**

For the collective bargaining agreements negotiated with the state for the 2011-2013 fiscal biennium under chapters 41.56, 41.80, or 74.39A RCW, the governor may request funds necessary to implement the terms and conditions of an agreement submitted to the office of financial management after October 1st if that agreement is determined to be feasible financially to the state by the director of financial management.

***\*NEW SECTION. Sec. 925. (1) All state agencies must track employees trained in performance management, including, but not limited to lean, lean-six-sigma, and the baldrige system. The agencies shall report the number of employees trained in each performance management technique to the government management and accountability performance (GMAP) program.***

***(2) All state agencies shall provide electronic copies of their Washington state quality award or baldrige assessments, feedback reports, and corrective action plans to the government management and accountability performance (GMAP) program, the office of the state auditor, and the joint legislative audit and review committee. These results must be posted on the GMAP web site for use in developing best practices.***

***(3) All state agencies must integrate performance management assessments, including the Washington state quality award assessment into their agency's strategic plan.***

\*Sec. 925 was vetoed. See message at end of chapter.

**Sec. 926.** RCW 15.76.115 and 2011 c 103 s 10 are each amended to read as follows:

The fair fund is created in the custody of the state treasury. All moneys received by the department of agriculture for the purposes of this fund and from RCW 67.16.105(7) shall be deposited into the fund. At the beginning of fiscal year 2002 and each fiscal year thereafter, the state treasurer shall transfer into the fair fund from the general fund the sum of two million dollars, except for fiscal year 2011 the state treasurer shall transfer into the fair fund from the general fund the sum of one million one hundred three thousand dollars, and except during fiscal year 2012 and fiscal year 2013 the state treasurer shall transfer into the fair fund from the general fund the sum of one million seven hundred fifty thousand dollars each fiscal year. Expenditures from the fund may be used only for assisting fairs in the manner provided in this chapter. Only the director of agriculture or the director's designee may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

**Sec. 927.** RCW 19.30.030 and 1985 c 280 s 3 are each amended to read as follows:

**(1)** The director shall not issue to any person a license to act as a farm labor contractor until:

**((+)) (a)** Such person has executed a written application on a form prescribed by the director, subscribed and sworn to by the applicant, and containing **((a)) (i)** a statement by the applicant of all facts required by the director concerning the applicant's character, competency, responsibility, and the manner and method by which he or she proposes to conduct operations as a farm

labor contractor if such license is issued, and ~~((b))~~ (ii) the names and addresses of all persons financially interested, either as partners, stockholders, associates, profit sharers, or providers of board or lodging to agricultural employees in the proposed operation as a labor contractor, together with the amount of their respective interests;

~~((2))~~ (b) The director, after investigation, is satisfied as to the character, competency, and responsibility of the applicant;

~~((3))~~ (c) The applicant has paid to the director a license fee of: ~~((+))~~ (i) Thirty-five dollars in the case of a farm labor contractor not engaged in forestation or reforestation, or ~~((2))~~ (ii) one hundred dollars in the case of a farm labor contractor engaged in forestation or reforestation or such other sum as the director finds necessary, and adopts by rule, for the administrative costs of evaluating applications;

~~((4))~~ (d) The applicant has filed proof satisfactory to the director of the existence of a policy of insurance with any insurance carrier authorized to do business in the state of Washington in an amount satisfactory to the director, which insures the contractor against liability for damage to persons or property arising out of the contractor's operation of, or ownership of, any vehicle or vehicles for the transportation of individuals in connection with the contractor's business, activities, or operations as a farm labor contractor;

~~((5))~~ (e) The applicant has filed a surety bond or other security which meets the requirements set forth in RCW 19.30.040;

~~((6))~~ (f) The applicant executes a written statement which shall be subscribed and sworn to and shall contain the following declaration:

"With regards to any action filed against me concerning my activities as a farm labor contractor, I appoint the director of the Washington department of labor and industries as my lawful agent to accept service of summons when I am not present in the jurisdiction in which the action is commenced or have in any other way become unavailable to accept service"; and

~~((7))~~ (g) The applicant has stated on his or her application whether or not his or her contractor's license or the license of any of his or her agents, partners, associates, stockholders, or profit sharers has ever been suspended, revoked, or denied by any state or federal agency, and whether or not there are any outstanding judgments against him or her or any of his or her agents, partners, associates, stockholders, or profit sharers in any state or federal court arising out of activities as a farm labor contractor.

(2) The farm labor contractor account is created in the state treasury. All receipts from farm labor contractor licenses, security deposits, penalties, and donations must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for administering the farm labor contractor licensing program, subject to authorization from the director or the director's designee.

**Sec. 928.** RCW 28B.15.068 and 2009 c 540 s 1 are each amended to read as follows:

(1) Beginning with the 2007-08 academic year and ending with the 2016-17 academic year, tuition fees charged to full-time resident undergraduate students, except in academic years 2009-10 and 2010-11, may increase no greater than seven percent over the previous academic year in any institution of higher education. Annual reductions or increases in full-time tuition fees for resident

undergraduate students shall be as provided in the omnibus appropriations act, within the seven percent increase limit established in this section. For academic years 2009-10 and 2010-11 the omnibus appropriations act may provide tuition increases greater than seven percent. To the extent that state appropriations combined with tuition and fee revenues are insufficient to achieve the total per-student funding goals established in subsection (2) of this section, the legislature may revisit state appropriations, authorized enrollment levels, and changes in tuition fees for any given fiscal year. In order to facilitate the full implementation of chapter . . . (Engrossed Second Substitute House Bill No. 1795), Laws of 2011 1st sp. sess. for the 2011-12 academic year and thereafter, the institutions of higher education are authorized to adopt tuition levels that are less than, equal to, or greater than the tuition levels assumed in the omnibus appropriations act, subject to the conditions and limitations in this chapter and the omnibus appropriations act.

(2) The state shall adopt as its goal total per-student funding levels, from state appropriations plus tuition and fees, of at least the sixtieth percentile of total per-student funding at similar public institutions of higher education in the global challenge states. In defining comparable per-student funding levels, the office of financial management shall adjust for regional cost-of-living differences; for differences in program offerings and in the relative mix of lower division, upper division, and graduate students; and for accounting and reporting differences among the comparison institutions. The office of financial management shall develop a funding trajectory for each four-year institution of higher education and for the community and technical college system as a whole that when combined with tuition and fees revenue allows the state to achieve its funding goal for each four-year institution and the community and technical college system as a whole no later than fiscal year 2017. The state shall not reduce enrollment levels below fiscal year 2007 budgeted levels in order to improve or alter the per-student funding amount at any four-year institution of higher education or the community and technical college system as a whole. The state recognizes that each four-year institution of higher education and the community and technical college system as a whole have different funding requirements to achieve desired performance levels, and that increases to the total per-student funding amount may need to exceed the minimum funding goal.

(3) By September 1st of each year beginning in 2008, the office of financial management shall report to the governor, the higher education coordinating board, and appropriate committees of the legislature with updated estimates of the total per-student funding level that represents the sixtieth percentile of funding for comparable institutions of higher education in the global challenge states, and the progress toward that goal that was made for each of the public institutions of higher education.

(4) As used in this section, "global challenge states" are the top performing states on the new economy index published by the progressive policy institute as of July 22, 2007. The new economy index ranks states on indicators of their potential to compete in the new economy. At least once every five years, the office of financial management shall determine if changes to the list of global challenge states are appropriate. The office of financial management shall report its findings to the governor and the legislature.

(5) During the 2009-10 and the 2010-11 academic years, institutions of higher education shall include information on their billing statements notifying students of tax credits available through the American opportunity tax credit provided in the American recovery and reinvestment act of 2009.

**Sec. 929.** RCW 28B.116.050 and 2005 c 215 s 6 are each amended to read as follows:

(1) The foster care endowed scholarship trust fund is created in the custody of the state treasurer.

(2) Funds appropriated by the legislature for the foster care endowed scholarship trust fund shall be deposited in the foster care endowed scholarship trust fund. When conditions in RCW 28B.116.070 are met, the higher education coordinating board shall deposit state matching moneys from the trust fund into the foster care scholarship endowment fund.

(3) No appropriation is required for expenditures from the trust fund.

(4) During the 2011-2013 fiscal biennium, the legislature may transfer from the foster care endowed scholarship trust fund to the state general fund such amounts as reflect the excess fund balance of the account.

**Sec. 930.** RCW 28C.04.535 and 1995 1st sp.s. c 7 s 4 are each amended to read as follows:

Except for the 2011-12 and 2012-13 school years, the Washington award for vocational excellence shall be granted annually. The workforce training and education coordinating board shall notify the students receiving the award, their vocational instructors, local chambers of commerce, the legislators of their respective districts, and the governor, after final selections have been made. The workforce training and education coordinating board, in conjunction with the governor's office, shall prepare appropriate certificates to be presented to the selected students. Awards shall be presented in public ceremonies at times and places determined by the workforce training and education coordinating board in cooperation with the office of the governor.

**Sec. 931.** RCW 36.22.175 and 2008 c 328 s 6006 are each amended to read as follows:

(1)(a) In addition to any other charge authorized by law, the county auditor shall charge a surcharge of one dollar per instrument for each document recorded. Revenue generated through this surcharge shall be transmitted monthly to the state treasurer for deposit in the local government archives account under RCW 40.14.024. These funds shall be used solely for providing records scheduling, security microfilm inspection and storage, archival preservation, cataloging, and indexing for local government records and digital data and access to those records and data through the regional branch archives of the division of archives and records management.

(b) The division of archives and records management within the office of the secretary of state shall provide records management training for local governments and shall establish a competitive grant program to solicit and prioritize project proposals from local governments for potential funding to be paid for by funds from the auditor surcharge and tax warrant surcharge revenues. Application for specific projects may be made by local government agencies only. The state archivist in consultation with the advisory committee established under RCW 40.14.027 shall adopt rules governing project eligibility, evaluation,

awarding of grants, and other criteria including requirements for records management training for grant recipients.

(2) The advisory committee established under RCW 40.14.027 shall review grant proposals and establish a prioritized list of projects to be considered for funding by January 1st of each even-numbered year, beginning in 2002. The evaluation of proposals and development of the prioritized list must be developed through open public meetings. Funding for projects shall be granted according to the ranking of each application on the prioritized list and projects will be funded only to the extent that funds are available. A grant award may have an effective date other than the date the project is placed on the prioritized list.

(3)(a) In addition to any other surcharge authorized by law, the county auditor shall charge a surcharge of one dollar per instrument for every document recorded after January 1, 2002. Revenue generated through this surcharge shall be transmitted to the state treasurer monthly for deposit in the local government archives account under RCW 40.14.024 to be used exclusively for: (i) The construction and improvement of a specialized regional facility located in eastern Washington designed to serve the archives, records management, and digital data management needs of local government; and (ii) payment of the certificate of participation issued for the Washington state heritage center to the extent there is an excess fund balance in the account and fees generated under RCW 36.18.010 and 43.07.128 are insufficient to meet debt service payments on the certificate of participation.

(b) To the extent the facilities are used for the storage and retrieval of state agency records and digital data, that portion of the construction of such facilities used for state government records and data shall be supported by other charges and fees paid by state agencies and shall not be supported by the surcharge authorized in this subsection, except that to the extent there is an excess fund balance in the account and fees generated under RCW 36.18.010 and 43.07.128 are insufficient to meet debt service payments for the Washington state heritage center, the local government archives account under RCW 40.14.024 may be used for the Washington state heritage center.

(c) At such time that all debt service from construction of the specialized regional archive facility located in eastern Washington has been paid, fifty percent of the surcharge authorized by this subsection shall be reverted to the centennial document preservation and modernization account as prescribed in RCW 36.22.170 and fifty percent of the surcharge authorized by this section shall be reverted to the state treasurer for deposit in the (~~archives and records management~~) public records efficiency, preservation, and access account to serve the archives, records management, and digital data management needs of local government, except that the state treasurer shall not revert funds to the centennial document preservation and modernization account and to the (~~archives and records management~~) public records efficiency, preservation, and access account if fees generated under RCW 36.18.010 and 43.07.128 are insufficient to meet debt service payments on the Washington state heritage center.

**Sec. 932.** RCW 40.14.025 and 2003 c 163 s 1 are each amended to read as follows:

(1) The secretary of state and the director of financial management shall jointly establish a procedure and formula for allocating the costs of services provided by the division of archives and records management to state agencies. The total amount allotted for services to state agencies shall not exceed the appropriation to the archives and records management account during any allotment period.

(2) There is created the (~~archives and records management~~) public records efficiency, preservation, and access account in the state treasury which shall consist of all fees and charges collected under this section. The account shall be appropriated exclusively for the payment of costs and expenses incurred in the operation of the division of archives and records management as specified by law.

**Sec. 933.** RCW 40.14.027 and 2003 c 163 s 4 are each amended to read as follows:

State agencies shall collect a surcharge of twenty dollars from the judgment debtor upon the satisfaction of a warrant filed in superior court for unpaid taxes or liabilities. The surcharge is imposed on the judgment debtor in the form of a penalty in addition to the filing fee provided in RCW 36.18.012(10). The surcharge revenue shall be transmitted to the state treasurer for deposit in the (~~archives and records management~~) public records efficiency, preservation, and access account.

Surcharge revenue deposited in the local government archives account under RCW 40.14.024 shall be expended by the secretary of state exclusively for disaster recovery, essential records protection services, and records management training for local government agencies by the division of archives and records management. The secretary of state shall, with local government representatives, establish a committee to advise the state archivist on the local government archives and records management program.

**\*Sec. 934.** RCW 41.06.022 and 2002 c 354 s 207 are each amended to read as follows:

*For purposes of this chapter, "manager" means any employee who:*

*(1) Formulates statewide policy or directs the work of an agency or agency subdivision;*

*(2) Is responsible to administer one or more statewide policies or programs of an agency or agency subdivision;*

*(3) Manages, administers, and controls a local branch office of an agency or agency subdivision, including the physical, financial, or personnel resources;*

*(4) Has substantial responsibility in personnel administration, legislative relations, public information, or the preparation and administration of budgets; or*

*(5) Functionally is above the first level of supervision and exercises authority that is not merely routine or clerical in nature and requires the consistent use of independent judgment.*

*No employee who is a member of the Washington management service may be included in a collective bargaining unit established under RCW 41.80.001 and 41.80.010 through 41.80.130.*



During the 2011-2013 fiscal biennium, except as required by a collective bargaining agreement in place on the effective date of this section, a manager whose position is eliminated as a result of the management reductions included in the state agency appropriations in this act and who is hired or transferred to a different position shall be compensated at a level no higher than that which is commensurate with the employee's new position.

During the 2011-2013 biennium, unless required by a collective bargaining agreement in place on the effective date of this section, no manager shall have the right of reversion to a classified position in the event that the employee's position is eliminated as a result of the management reductions included in the state agency appropriations in this act unless the employee was employed in the classified position in question, or a substantially equivalent classified position, within the three year period prior to the effective date of this act.

\*Sec. 934 was vetoed. See message at end of chapter.

\*Sec. 935. RCW 41.06.070 and 2010 c 271 s 801, 2010 c 2 s 2, and 2010 c 1 s 1 are each reenacted and amended to read as follows:

(1) The provisions of this chapter do not apply to:

(a) The members of the legislature or to any employee of, or position in, the legislative branch of the state government including members, officers, and employees of the legislative council, joint legislative audit and review committee, statute law committee, and any interim committee of the legislature;

(b) The justices of the supreme court, judges of the court of appeals, judges of the superior courts or of the inferior courts, or to any employee of, or position in the judicial branch of state government;

(c) Officers, academic personnel, and employees of technical colleges;

(d) The officers of the Washington state patrol;

(e) Elective officers of the state;

(f) The chief executive officer of each agency;

(g) In the departments of employment security and social and health services, the director and the director's confidential secretary; in all other departments, the executive head of which is an individual appointed by the governor, the director, his or her confidential secretary, and his or her statutory assistant directors;

(h) In the case of a multimember board, commission, or committee, whether the members thereof are elected, appointed by the governor or other authority, serve ex officio, or are otherwise chosen:

(i) All members of such boards, commissions, or committees;

(ii) If the members of the board, commission, or committee serve on a part-time basis and there is a statutory executive officer: The secretary of the board, commission, or committee; the chief executive officer of the board, commission, or committee; and the confidential secretary of the chief executive officer of the board, commission, or committee;

(iii) If the members of the board, commission, or committee serve on a full-time basis: The chief executive officer or administrative officer as designated by the board, commission, or committee; and a confidential secretary to the chair of the board, commission, or committee;

*(iv) If all members of the board, commission, or committee serve ex officio: The chief executive officer; and the confidential secretary of such chief executive officer;*

*(i) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the state;*

*(j) Assistant attorneys general;*

*(k) Commissioned and enlisted personnel in the military service of the state;*

*(l) Inmate, student, part-time, or temporary employees, and part-time professional consultants, as defined by the Washington personnel resources board;*

*(m) The public printer or to any employees of or positions in the state printing plant;*

*(n) Officers and employees of the Washington state fruit commission;*

*(o) Officers and employees of the Washington apple commission;*

*(p) Officers and employees of the Washington state dairy products commission;*

*(q) Officers and employees of the Washington tree fruit research commission;*

*(r) Officers and employees of the Washington state beef commission;*

*(s) Officers and employees of the Washington grain commission;*

*(t) Officers and employees of any commission formed under chapter 15.66 RCW;*

*(u) Officers and employees of agricultural commissions formed under chapter 15.65 RCW;*

*(v) Officers and employees of the nonprofit corporation formed under chapter 67.40 RCW;*

*(w) Executive assistants for personnel administration and labor relations in all state agencies employing such executive assistants including but not limited to all departments, offices, commissions, committees, boards, or other bodies subject to the provisions of this chapter and this subsection shall prevail over any provision of law inconsistent herewith unless specific exception is made in such law;*

*(x) In each agency with fifty or more employees: Deputy agency heads, assistant directors or division directors, and not more than three principal policy assistants who report directly to the agency head or deputy agency heads;*

*(y) All employees of the marine employees' commission;*

*(z) Staff employed by the department of commerce to administer energy policy functions;*

*(aa) The manager of the energy facility site evaluation council;*

*(bb) A maximum of ten staff employed by the department of commerce to administer innovation and policy functions, including the three principal policy assistants exempted under (x) of this subsection;*

*(cc) Staff employed by Washington State University to administer energy education, applied research, and technology transfer programs under RCW 43.21F.045 as provided in RCW 28B.30.900(5).*

*(2) The following classifications, positions, and employees of institutions of higher education and related boards are hereby exempted from coverage of this chapter:*

*(a) Members of the governing board of each institution of higher education and related boards, all presidents, vice presidents, and their confidential secretaries, administrative, and personal assistants; deans, directors, and chairs; academic personnel; and executive heads of major administrative or academic divisions employed by institutions of higher education; principal assistants to executive heads of major administrative or academic divisions; other managerial or professional employees in an institution or related board having substantial responsibility for directing or controlling program operations and accountable for allocation of resources and program results, or for the formulation of institutional policy, or for carrying out personnel administration or labor relations functions, legislative relations, public information, development, senior computer systems and network programming, or internal audits and investigations; and any employee of a community college district whose place of work is one which is physically located outside the state of Washington and who is employed pursuant to RCW 28B.50.092 and assigned to an educational program operating outside of the state of Washington;*

*(b) The governing board of each institution, and related boards, may also exempt from this chapter classifications involving research activities, counseling of students, extension or continuing education activities, graphic arts or publications activities requiring prescribed academic preparation or special training as determined by the board: PROVIDED, That no nonacademic employee engaged in office, clerical, maintenance, or food and trade services may be exempted by the board under this provision;*

*(c) Printing craft employees in the department of printing at the University of Washington.*

*(3) In addition to the exemptions specifically provided by this chapter, the director of personnel may provide for further exemptions pursuant to the following procedures. The governor or other appropriate elected official may submit requests for exemption to the director of personnel stating the reasons for requesting such exemptions. The director of personnel shall hold a public hearing, after proper notice, on requests submitted pursuant to this subsection. If the director determines that the position for which exemption is requested is one involving substantial responsibility for the formulation of basic agency or executive policy or one involving directing and controlling program operations of an agency or a major administrative division thereof, the director of personnel shall grant the request and such determination shall be final as to any decision made before July 1, 1993. The total number of additional exemptions permitted under this subsection shall not exceed one percent of the number of employees in the classified service not including employees of institutions of higher education and related boards for those agencies not directly under the authority of any elected public official other than the governor, and shall not exceed a total of twenty-five for all agencies under the authority of elected public officials other than the governor.*

*The salary and fringe benefits of all positions presently or hereafter exempted except for the chief executive officer of each agency, full-time*

*members of boards and commissions, administrative assistants and confidential secretaries in the immediate office of an elected state official, and the personnel listed in subsections (1)(j) through (v) and (y) and (2) of this section, shall be determined by the director of personnel. Changes to the classification plan affecting exempt salaries must meet the same provisions for classified salary increases resulting from adjustments to the classification plan as outlined in RCW 41.06.152.*

*During the 2011-2013 fiscal biennium, except as required by a collective bargaining agreement in place on the effective date of this section, an employee whose position exempt under this chapter is eliminated as a result of the management reductions included in the state agency appropriations in and who is hired or transferred to a different position exempt under the provisions of this chapter shall be compensated at a level no higher than that which is commensurate with the employee's new position.*

*From February 18, 2009, through June 30, 2011, a salary or wage increase shall not be granted to any position exempt from classification under this chapter, except that a salary or wage increase may be granted to employees pursuant to collective bargaining agreements negotiated under chapter 28B.52, 41.56, 47.64, or 41.76 RCW, or negotiated by the nonprofit corporation formed under chapter 67.40 RCW, and except that increases may be granted for positions for which the employer has demonstrated difficulty retaining qualified employees if the following conditions are met:*

- (a) The salary increase can be paid within existing resources; and*
- (b) The salary increase will not adversely impact the provision of client services.*

*Any agency granting a salary increase from February 15, 2010, through June 30, 2011, to a position exempt from classification under this chapter shall submit a report to the fiscal committees of the legislature no later than July 31, 2011, detailing the positions for which salary increases were granted, the size of the increases, and the reasons for giving the increases.*

*Any person holding a classified position subject to the provisions of this chapter shall, when and if such position is subsequently exempted from the application of this chapter, be afforded the following rights: If such person previously held permanent status in another classified position, such person shall have a right of reversion to the highest class of position previously held, or to a position of similar nature and salary.*

*Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary, except that during the 2011-2013 biennium, unless required by a collective bargaining agreement in place on the effective date of this section, no employee shall have the right of reversion to a classified position in the event that the employee's position is eliminated as a result of the management reductions included in the state agency appropriations in this act unless the employee was employed in the classified position in question, or a substantially equivalent classified position, within the three year period prior to the effective date of this act.*

*A person occupying an exempt position who is terminated from the position for gross misconduct or malfeasance does not have the right of reversion to a classified position as provided for in this section.*

*From February 15, 2010, until June 30, 2011, no monetary performance-based awards or incentives may be granted by the director or employers to employees covered by rules adopted under this section. This subsection does not prohibit the payment of awards provided for in chapter 41.60 RCW.*

*\*Sec. 935 was vetoed. See message at end of chapter.*

**Sec. 936.** RCW 41.50.110 and 2009 c 564 s 924 are each amended to read as follows:

(1) Except as provided by RCW 41.50.255 and subsection (6) of this section, all expenses of the administration of the department, the expenses of administration of the retirement systems, and the expenses of the administration of the office of the state actuary created in chapters 2.10, 2.12, 41.26, 41.32, 41.40, 41.34, 41.35, 41.37, 43.43, and 44.44 RCW shall be paid from the department of retirement systems expense fund.

(2) In order to reimburse the department of retirement systems expense fund on an equitable basis the department shall ascertain and report to each employer, as defined in RCW 41.26.030, 41.32.010, 41.35.010, 41.37.010, or 41.40.010, the sum necessary to defray its proportional share of the entire expense of the administration of the retirement system that the employer participates in during the ensuing biennium or fiscal year whichever may be required. Such sum is to be computed in an amount directly proportional to the estimated entire expense of the administration as the ratio of monthly salaries of the employer's members bears to the total salaries of all members in the entire system. It shall then be the duty of all such employers to include in their budgets or otherwise provide the amounts so required.

(3) The department shall compute and bill each employer, as defined in RCW 41.26.030, 41.32.010, 41.35.010, 41.37.010, or 41.40.010, at the end of each month for the amount due for that month to the department of retirement systems expense fund and the same shall be paid as are its other obligations. Such computation as to each employer shall be made on a percentage rate of salary established by the department. However, the department may at its discretion establish a system of billing based upon calendar year quarters in which event the said billing shall be at the end of each such quarter.

(4) The director may adjust the expense fund contribution rate for each system at any time when necessary to reflect unanticipated costs or savings in administering the department.

(5) An employer who fails to submit timely and accurate reports to the department may be assessed an additional fee related to the increased costs incurred by the department in processing the deficient reports. Fees paid under this subsection shall be deposited in the retirement system expense fund.

(a) Every six months the department shall determine the amount of an employer's fee by reviewing the timeliness and accuracy of the reports submitted by the employer in the preceding six months. If those reports were not both timely and accurate the department may prospectively assess an additional fee under this subsection.

(b) An additional fee assessed by the department under this subsection shall not exceed fifty percent of the standard fee.

(c) The department shall adopt rules implementing this section.

(6) Expenses other than those under RCW 41.34.060(3) shall be paid pursuant to subsection (1) of this section.

(7) During the ~~((2007-2009 and))~~ 2009-2011 and 2011-2013 fiscal biennia, the legislature may transfer from the department of retirement systems' expense fund to the state general fund such amounts as reflect the excess fund balance of the fund.

**Sec. 937.** RCW 41.60.050 and 1991 sp.s. c 16 s 918 are each amended to read as follows:

The legislature shall appropriate from the department of personnel service fund for the payment of administrative costs of the productivity board. However, during the ~~((1991-93))~~ 2011-2013 fiscal biennium, the ~~((administrative costs))~~ operations of the productivity board shall be ~~((appropriated from the savings recovery account))~~ suspended.

**Sec. 938.** RCW 41.80.010 and 2010 c 104 s 1 are each amended to read as follows:

(1) For the purpose of negotiating collective bargaining agreements under this chapter, the employer shall be represented by the governor or governor's designee, except as provided for institutions of higher education in subsection (4) of this section.

(2)(a) If an exclusive bargaining representative represents more than one bargaining unit, the exclusive bargaining representative shall negotiate with each employer representative as designated in subsection (1) of this section one master collective bargaining agreement on behalf of all the employees in bargaining units that the exclusive bargaining representative represents. For those exclusive bargaining representatives who represent fewer than a total of five hundred employees each, negotiation shall be by a coalition of all those exclusive bargaining representatives. The coalition shall bargain for a master collective bargaining agreement covering all of the employees represented by the coalition. The governor's designee and the exclusive bargaining representative or representatives are authorized to enter into supplemental bargaining of agency-specific issues for inclusion in or as an addendum to the master collective bargaining agreement, subject to the parties' agreement regarding the issues and procedures for supplemental bargaining. This section does not prohibit cooperation and coordination of bargaining between two or more exclusive bargaining representatives.

(b) This subsection (2) does not apply to exclusive bargaining representatives who represent employees of institutions of higher education, except when the institution of higher education has elected to exercise its option under subsection (4) of this section to have its negotiations conducted by the governor or governor's designee under the procedures provided for general government agencies in subsections (1) through (3) of this section.

(c) If five hundred or more employees of an independent state elected official listed in RCW 43.01.010 are organized in a bargaining unit or bargaining units under RCW 41.80.070, the official shall be consulted by the governor or the governor's designee before any agreement is reached under (a) of this subsection concerning supplemental bargaining of agency specific issues affecting the employees in such bargaining unit.

(3) The governor shall submit a request for funds necessary to implement the compensation and fringe benefit provisions in the master collective bargaining agreement or for legislation necessary to implement the agreement. Requests for funds necessary to implement the provisions of bargaining agreements shall not be submitted to the legislature by the governor unless such requests:

(a) Have been submitted to the director of the office of financial management by October 1 prior to the legislative session at which the requests are to be considered; and

(b) Have been certified by the director of the office of financial management as being feasible financially for the state.

The legislature shall approve or reject the submission of the request for funds as a whole. The legislature shall not consider a request for funds to implement a collective bargaining agreement unless the request is transmitted to the legislature as part of the governor's budget document submitted under RCW 43.88.030 and 43.88.060. If the legislature rejects or fails to act on the submission, either party may reopen all or part of the agreement or the exclusive bargaining representative may seek to implement the procedures provided for in RCW 41.80.090.

(4)(a)(i) For the purpose of negotiating agreements for institutions of higher education, the employer shall be the respective governing board of each of the universities, colleges, or community colleges or a designee chosen by the board to negotiate on its behalf.

(ii) A governing board of a university or college may elect to have its negotiations conducted by the governor or governor's designee under the procedures provided for general government agencies in subsections (1) through (3) of this section, except that:

(A) The governor or the governor's designee and an exclusive bargaining representative shall negotiate one master collective bargaining agreement for all of the bargaining units of employees of a university or college that the representative represents; or

(B) If the parties mutually agree, the governor or the governor's designee and an exclusive bargaining representative shall negotiate one master collective bargaining agreement for all of the bargaining units of employees of more than one university or college that the representative represents.

(iii) A governing board of a community college may elect to have its negotiations conducted by the governor or governor's designee under the procedures provided for general government agencies in subsections (1) through (3) of this section.

(b) Prior to entering into negotiations under this chapter, the institutions of higher education or their designees shall consult with the director of the office of financial management regarding financial and budgetary issues that are likely to arise in the impending negotiations.

(c)(i) If appropriations are necessary to implement the compensation and fringe benefit provisions of the bargaining agreements reached between institutions of higher education and exclusive bargaining representatives agreed to under the provisions of this chapter, the governor shall submit a request for such funds to the legislature according to the provisions of subsection (3) of this section, except as provided in (c)(ii) of this subsection.

(ii) In the case of a bargaining unit of employees of institutions of higher education in which the exclusive bargaining representative is certified during or after the conclusion of a legislative session, the legislature may act upon the compensation and fringe benefit provisions of the unit's initial collective bargaining agreement if those provisions are agreed upon and submitted to the office of financial management and legislative budget committees before final legislative action on the biennial or supplemental operating budget by the sitting legislature.

(5) There is hereby created a joint committee on employment relations, which consists of two members with leadership positions in the house of representatives, representing each of the two largest caucuses; the chair and ranking minority member of the house appropriations committee, or its successor, representing each of the two largest caucuses; two members with leadership positions in the senate, representing each of the two largest caucuses; and the chair and ranking minority member of the senate ways and means committee, or its successor, representing each of the two largest caucuses. The governor shall periodically consult with the committee regarding appropriations necessary to implement the compensation and fringe benefit provisions in the master collective bargaining agreements, and upon completion of negotiations, advise the committee on the elements of the agreements and on any legislation necessary to implement the agreements.

(6) If, after the compensation and fringe benefit provisions of an agreement are approved by the legislature, a significant revenue shortfall occurs resulting in reduced appropriations, as declared by proclamation of the governor or by resolution of the legislature, both parties shall immediately enter into collective bargaining for a mutually agreed upon modification of the agreement.

(7) After the expiration date of a collective bargaining agreement negotiated under this chapter, all of the terms and conditions specified in the collective bargaining agreement remain in effect until the effective date of a subsequently negotiated agreement, not to exceed one year from the expiration date stated in the agreement. Thereafter, the employer may unilaterally implement according to law.

(8) For the 2011-2013 fiscal biennium, a collective bargaining agreement related to employee health care benefits negotiated between the employer and coalition pursuant to RCW 41.80.020(3) regarding the dollar amount expended on behalf of each employee shall be a separate agreement for which the governor may request funds necessary to implement the agreement. If such an agreement is negotiated and funded by the legislature, this agreement will supersede any terms and conditions of an expired 2009-2011 biennial master collective bargaining agreement under this chapter regarding health care benefits.

**Sec. 939.** RCW 41.80.020 and 2010 c 283 s 16 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, the matters subject to bargaining include wages, hours, and other terms and conditions of employment, and the negotiation of any question arising under a collective bargaining agreement.

(2) The employer is not required to bargain over matters pertaining to:

(a) Health care benefits or other employee insurance benefits, except as required in subsection (3) of this section;



(b) Any retirement system or retirement benefit; or

(c) Rules of the director of personnel or the Washington personnel resources board adopted under section 203, chapter 354, Laws of 2002.

(3) Matters subject to bargaining include the number of names to be certified for vacancies, promotional preferences, and the dollar amount expended on behalf of each employee for health care benefits. However, except as provided otherwise in this subsection for institutions of higher education, negotiations regarding the number of names to be certified for vacancies, promotional preferences, and the dollar amount expended on behalf of each employee for health care benefits shall be conducted between the employer and one coalition of all the exclusive bargaining representatives subject to this chapter. The exclusive bargaining representatives for employees that are subject to chapter 47.64 RCW shall bargain the dollar amount expended on behalf of each employee for health care benefits with the employer as part of the coalition under this subsection. Any such provision agreed to by the employer and the coalition shall be included in all master collective bargaining agreements negotiated by the parties. For institutions of higher education, promotional preferences and the number of names to be certified for vacancies shall be bargained under the provisions of RCW 41.80.010(4). For agreements covering the 2011-2013 fiscal biennium, any agreement between the employer and the coalition regarding the dollar amount expended on behalf of each employee for health care benefits is a separate agreement and shall not be included in the master collective bargaining agreements negotiated by the parties.

(4) The employer and the exclusive bargaining representative shall not agree to any proposal that would prevent the implementation of approved affirmative action plans or that would be inconsistent with the comparable worth agreement that provided the basis for the salary changes implemented beginning with the 1983-1985 biennium to achieve comparable worth.

(5) The employer and the exclusive bargaining representative shall not bargain over matters pertaining to management rights established in RCW 41.80.040.

(6) Except as otherwise provided in this chapter, if a conflict exists between an executive order, administrative rule, or agency policy relating to wages, hours, and terms and conditions of employment and a collective bargaining agreement negotiated under this chapter, the collective bargaining agreement shall prevail. A provision of a collective bargaining agreement that conflicts with the terms of a statute is invalid and unenforceable.

(7) This section does not prohibit bargaining that affects contracts authorized by RCW 41.06.142.

**Sec. 940.** RCW 43.07.129 and 2007 c 523 s 4 are each amended to read as follows:

The Washington state heritage center account is created in the custody of the state treasurer. All moneys received under RCW 36.18.010(11) and 43.07.128 must be deposited in the account. Expenditures from the account may be made only for the following purposes:

(1) Payment of the certificate of participation issued for the Washington state heritage center;

(2) Capital maintenance of the Washington state heritage center; and

(3) Program operations that serve the public, relate to the collections and exhibits housed in the Washington state heritage center, or fulfill the missions of the state archives, state library, and capital museum.

Only the secretary of state or the secretary of state's designee may authorize expenditures from the account. An appropriation is not required for expenditures, but the account is subject to allotment procedures under chapter 43.88 RCW. During the 2011-2013 fiscal biennium, the legislature may appropriate from the Washington state heritage center account for the purposes of state arts, historical, and library programs.

**Sec. 941.** RCW 43.08.190 and 2010 c 222 s 3 are each amended to read as follows:

There is hereby created a fund within the state treasury to be known as the "state treasurer's service fund." Such fund shall be used solely for the payment of costs and expenses incurred in the operation and administration of the state treasurer's office.

Moneys shall be allocated monthly and placed in the state treasurer's service fund equivalent to a maximum of one percent of the trust and treasury average daily cash balances from the earnings generated under the authority of RCW 43.79A.040 and 43.84.080 other than earnings generated from investment of balances in funds and accounts specified in RCW 43.79A.040(4)(c). The allocation shall precede the distribution of the remaining earnings as prescribed under RCW 43.79A.040 and 43.84.092. The state treasurer shall establish a uniform allocation rate for all funds and accounts; except that the state treasurer may negotiate a different allocation rate with any state agency that has independent authority over funds not statutorily required to be held in the state treasury or in the custody of the state treasurer. In no event shall the rate be less than the actual costs incurred by the state treasurer's office. If no rate is separately negotiated, the default rate for any funds held shall be the rate set for funds held pursuant to statute.

During the 2009-2011 fiscal biennium and the 2011-2013 fiscal biennium, the legislature may transfer from the state treasurer's service fund to the state general fund such amounts as reflect the excess fund balance of the fund.

**Sec. 942.** RCW 43.09.475 and 2009 c 564 s 929 are each amended to read as follows:

The performance audits of government account is hereby created in the custody of the state treasurer. Revenue identified in RCW 82.08.020(5) and 82.12.0201 shall be deposited in the account. Money in the account shall be used to fund the performance audits and follow-up performance audits under RCW 43.09.470 and shall be expended by the state auditor in accordance with chapter 1, Laws of 2006. Only the state auditor or the state auditor's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. During the 2009-2011 fiscal biennium, the legislature may transfer from the performance audits of government account to the state general fund such amounts as deemed to be appropriate or necessary. During 2011-2013 fiscal biennium, the performance audits of government account may be appropriated for fraud investigations in the state auditor's office and the department of social and health services, audit and collection functions in the

department of revenue, and audits of school districts. In addition, during the 2011-2013 fiscal biennium the account may be used to fund the office of financial management's contract for the compliance audit of the state auditor.

**Sec. 943.** RCW 43.19.501 and 2009 c 564 s 932 are each amended to read as follows:

The Thurston county capital facilities account is created in the state treasury. The account is subject to the appropriation and allotment procedures under chapter 43.88 RCW. Moneys in the account may be expended for capital projects in facilities owned and managed by the department of general administration in Thurston county. For the 2007-2009 biennium, moneys in the account may be used for predesign identified in section 1037, chapter 328, Laws of 2008.

During the 2009-2011 and 2011-2013 fiscal (~~biennium~~) biennia, the legislature may transfer from the Thurston county capital facilities account to the state general fund such amounts as reflect the excess fund balance of the account.

**Sec. 944.** RCW 43.20A.725 and 2010 1st sp.s. c 37 s 921 are each amended to read as follows:

(1) The department, through the sole authority of the office or its successor organization, shall maintain a program whereby an individual of school age or older who possesses a hearing or speech impairment is provided with telecommunications equipment, software, and/or peripheral devices, digital or otherwise, that is determined by the office to be necessary for such a person to access and use telecommunications transmission services effectively.

(2) The department, through the sole authority of the office or its successor organization, shall maintain a program where telecommunications relay services of a human or electronic nature will be provided to connect hearing impaired, deaf-blind, or speech impaired persons with persons who do not have a hearing or speech impairment. Such telecommunications relay services shall provide the ability for an individual who has a hearing or speech impairment to engage in voice, tactile, or visual communication by wire or radio with a hearing individual in a manner that is functionally equivalent to the ability of an individual who does not have a hearing or speech impairment to communicate using voice or visual communication services by wire or radio subject to subsection (4)(b) of this section.

(3) The telecommunications relay service and equipment distribution program may operate in such a manner as to provide communications transmission opportunities that are capable of incorporating new technologies that have demonstrated benefits consistent with the intent of this chapter and are in the best interests of the citizens of this state.

(4) The office shall administer and control the award of money to all parties incurring costs in implementing and maintaining telecommunications services, programs, equipment, and technical support services according to this section. The relay service contract shall be awarded to an individual company registered as a telecommunications company by the utilities and transportation commission, to a group of registered telecommunications companies, or to any other company or organization determined by the office as qualified to provide relay services, contingent upon that company or organization being approved as

a registered telecommunications company prior to final contract approval. The relay system providers and telecommunications equipment vendors shall be selected on the basis of cost-effectiveness and utility to the greatest extent possible under the program and technical specifications established by the office.

(a) To the extent funds are available under the then-current rate and not otherwise held in reserve or required for other purposes authorized by this chapter, the office may award contracts for communications and related services and equipment for hearing impaired or speech impaired individuals accessing or receiving services provided by, or contracted for, the department to meet access obligations under Title 2 of the federal Americans with disabilities act or related federal regulations.

(b) The office shall perform its duties under this section with the goal of achieving functional equivalency of access to and use of telecommunications services similar to the enjoyment of access to and use of such services experienced by an individual who does not have a hearing or speech impairment only to the extent that funds are available under the then-current rate and not otherwise held in reserve or required for other purposes authorized by this chapter.

(5) The program shall be funded by a telecommunications relay service (TRS) excise tax applied to each switched access line provided by the local exchange companies. The office shall determine, in consultation with the office's program advisory committee, the budget needed to fund the program on an annual basis, including both operational costs and a reasonable amount for capital improvements such as equipment upgrade and replacement. The budget proposed by the office, together with documentation and supporting materials, shall be submitted to the office of financial management for review and approval. The approved budget shall be given by the department in an annual budget to the department of revenue no later than March 1st prior to the beginning of the fiscal year. The department of revenue shall then determine the amount of telecommunications relay service excise tax to be placed on each switched access line and shall inform local exchange companies and the utilities and transportation commission of this amount no later than May 1st. The department of revenue shall determine the amount of telecommunications relay service excise tax to be collected in the following fiscal year by dividing the total of the program budget, as submitted by the office, by the total number of switched access lines in the prior calendar year, as reported to the department of revenue under chapter 82.14B RCW, and shall not exercise any further oversight of the program under this subsection other than administering the collection of the telecommunications relay service excise tax as provided in RCW 82.72.010 through 82.72.090. The telecommunications relay service excise tax shall not exceed nineteen cents per month per access line. The telecommunications relay service excise tax shall be separately identified on each ratepayer's bill with the following statement: "Funds federal ADA requirement." All proceeds from the telecommunications relay service excise tax shall be put into a fund to be administered by the office through the department. During the 2009-2011 and 2011-2013 fiscal (~~biennium~~) biennia, the funds may also be used to provide individualized employment services and employment-related counseling to people with disabilities, and technical assistance to employers about the

employment of people with disabilities. "Switched access line" has the meaning provided in RCW 82.14B.020.

(6) The telecommunications relay service program and equipment vendors shall provide services and equipment consistent with the requirements of federal law for the operation of both interstate and intrastate telecommunications services for the hearing impaired or speech impaired. The department and the utilities and transportation commission shall be responsible for ensuring compliance with federal requirements and shall provide timely notice to the legislature of any legislation that may be required to accomplish compliance.

(7) The department shall adopt rules establishing eligibility criteria, ownership obligations, financial contributions, and a program for distribution to individuals requesting and receiving such telecommunications devices distributed by the office, and other rules necessary to administer programs and services consistent with this chapter.

**Sec. 945.** RCW 43.79.201 and 2009 c 564 s 935 are each amended to read as follows:

(1) The charitable, educational, penal and reformatory institutions account is hereby created, in the state treasury, into which account there shall be deposited all moneys arising from the sale, lease or transfer of the land granted by the United States government to the state for charitable, educational, penal and reformatory institutions by section 17 of the enabling act, or otherwise set apart for such institutions, except all moneys arising from the sale, lease, or transfer of that certain one hundred thousand acres of such land assigned for the support of the University of Washington by chapter 91, Laws of 1903 and section 9, chapter 122, Laws of 1893.

(2) If feasible, not less than one-half of all income to the charitable, educational, penal, and reformatory institutions account shall be appropriated for the purpose of providing housing, including repair and renovation of state institutions, for persons with mental illness or developmental disabilities, or youth who are blind, deaf, or otherwise disabled. If moneys are appropriated for community-based housing, the moneys shall be appropriated to the department of ~~((community, trade, and economic development))~~ commerce for the housing assistance program under chapter 43.185 RCW. During the 2009-2011 and 2011-2013 fiscal ~~((biennium))~~ biennia, the legislature may transfer from the charitable, educational, penal and reformatory institutions account to the state general fund such amounts as reflect excess fund balance of the ~~((fund account))~~ account.

**Sec. 946.** RCW 43.79.465 and 2010 1st sp.s. c 37 s 929 are each amended to read as follows:

The education savings account is created in the state treasury. The account shall consist of all moneys appropriated to the account by the legislature.

(1) Ten percent of legislative appropriations to the education savings account shall be distributed as follows: (a) Fifty percent to the distinguished professorship trust fund under RCW 28B.76.565; (b) seventeen percent to the graduate fellowship trust fund under RCW 28B.76.610; and (c) thirty-three percent to the college faculty awards trust fund under RCW 28B.50.837.

(2) The remaining moneys in the education savings account may be appropriated solely for (a) common school construction projects that are eligible

for funding from the common school construction account, (b) technology improvements in the common schools, (c) during the 2001-03 fiscal biennium, technology improvements in public higher education institutions, (d) during the 2007-2009 fiscal biennium, the legislature may transfer from the education savings account to the state general fund such amounts as reflect the excess fund balance of the account attributable to unspent state general fund appropriations for fiscal year 2008, ~~((and))~~ (e) for fiscal year 2010, the legislature may transfer from the education savings account to the state general fund such amounts as reflect the fund balance of the account attributable to unspent general fund appropriations for fiscal year 2009; and (f) for fiscal years 2012 and 2013, the legislature may transfer from the education savings account to the state general fund such amounts as reflect the fund balance of the account attributable to unspent general fund appropriations for fiscal years 2011 and 2012.

**Sec. 947.** RCW 43.79.480 and 2009 c 564 s 937 and 2009 c 479 s 30 are each reenacted and amended to read as follows:

(1) Moneys received by the state of Washington in accordance with the settlement of the state's legal action against tobacco product manufacturers, exclusive of costs and attorneys' fees, shall be deposited in the tobacco settlement account created in this section except as these moneys are sold or assigned under chapter 43.340 RCW.

(2) The tobacco settlement account is created in the state treasury. Moneys in the tobacco settlement account may only be transferred to the state general fund, and to the tobacco prevention and control account for purposes set forth in this section. The legislature shall transfer amounts received as strategic contribution payments as defined in RCW 43.350.010 to the life sciences discovery fund created in RCW 43.350.070. During the 2009-2011 and 2011-2013 fiscal ~~((biennium))~~ biennia, the legislature may transfer less than the entire strategic contribution payments, and may transfer amounts attributable to strategic contribution payments into the basic health plan stabilization account.

(3) The tobacco prevention and control account is created in the state treasury. The source of revenue for this account is moneys transferred to the account from the tobacco settlement account, investment earnings, donations to the account, and other revenues as directed by law. Expenditures from the account are subject to appropriation. During the 2009-2011 fiscal biennium, the legislature may transfer from the tobacco prevention and control account to the state general fund such amounts as represent the excess fund balance of the account.

**Sec. 948.** RCW 43.88.150 and 1995 c 6 s 1 are each amended to read as follows:

(1) For those agencies that make expenditures from both appropriated and nonappropriated funds for the same purpose, the governor shall direct such agencies to charge their expenditures in such ratio, as between appropriated and nonappropriated funds, as will conserve appropriated funds. This subsection does not apply to institutions of higher education, as defined in RCW 28B.10.016, except during the 2011-2013 fiscal biennium.

(2) Unless otherwise provided by law, if state moneys are appropriated for a capital project and matching funds or other contributions are required as a condition of the receipt of the state moneys, the state moneys shall be disbursed

in proportion to and only to the extent that the matching funds or other contributions have been received and are available for expenditure.

(3) The office of financial management shall adopt guidelines for the implementation of this section. The guidelines may account for federal matching requirements or other requirements to spend other moneys in a particular manner.

**Sec. 949.** RCW 43.101.200 and 1997 c 351 s 13 are each amended to read as follows:

(1) All law enforcement personnel, except volunteers, and reserve officers whether paid or unpaid, initially employed on or after January 1, 1978, shall engage in basic law enforcement training which complies with standards adopted by the commission pursuant to RCW 43.101.080. For personnel initially employed before January 1, 1990, such training shall be successfully completed during the first fifteen months of employment of such personnel unless otherwise extended or waived by the commission and shall be requisite to the continuation of such employment. Personnel initially employed on or after January 1, 1990, shall commence basic training during the first six months of employment unless the basic training requirement is otherwise waived or extended by the commission. Successful completion of basic training is requisite to the continuation of employment of such personnel initially employed on or after January 1, 1990.

(2) Except as otherwise provided in this chapter, the commission shall provide the aforementioned training together with necessary facilities, supplies, materials, and the board and room of noncommuting attendees for seven days per week, except during the 2011-2013 fiscal biennium when the employing, county, city or state law enforcement agency shall reimburse the commission for twenty-five percent of the cost of training its personnel. Additionally, to the extent funds are provided for this purpose, the commission shall reimburse to participating law enforcement agencies with ten or less full-time commissioned patrol officers the cost of temporary replacement of each officer who is enrolled in basic law enforcement training: PROVIDED, That such reimbursement shall include only the actual cost of temporary replacement not to exceed the total amount of salary and benefits received by the replaced officer during his or her training period.

**Sec. 950.** RCW 43.135.045 and 2010 1st sp.s. c 27 s 5 are each amended to read as follows:

The education construction fund is hereby created in the state treasury.

(1) Funds may be appropriated from the education construction fund exclusively for common school construction or higher education construction. During the 2007-2009 fiscal biennium, funds may also be used for higher education facilities preservation and maintenance. During the 2009-2011 (~~fiscal biennium~~) and 2011-2013 fiscal biennia, the legislature may transfer from the education construction fund to the state general fund such amounts as reflect the excess fund balance of the fund.

(2) Funds may be appropriated for any other purpose only if approved by a two-thirds vote of each house of the legislature and if approved by a vote of the people at the next general election. An appropriation approved by the people under this subsection shall result in an adjustment to the state expenditure limit

only for the fiscal period for which the appropriation is made and shall not affect any subsequent fiscal period.

(3) Funds for the student achievement program in RCW 28A.505.210 and 28A.505.220 shall be appropriated to the superintendent of public instruction strictly for distribution to school districts to meet the provisions set out in the student achievement act. Allocations shall be made on an equal per full-time equivalent student basis to each school district.

(4) After July 1, 2010, the state treasurer shall transfer one hundred two million dollars from the general fund to the education construction fund by June 30th of each year.

**Sec. 951.** RCW 43.155.050 and 2010 1st sp.s. c 37 s 932 and 2010 1st sp.s. c 36 s 6007 are each reenacted and amended to read as follows:

The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and to give financial guarantees to local governments for public works projects. Moneys in the account may also be appropriated to provide for state match requirements under federal law for projects and activities conducted and financed by the board under the drinking water assistance account. Not more than fifteen percent of the biennial capital budget appropriation to the public works board from this account may be expended or obligated for preconstruction loans, emergency loans, or loans for capital facility planning under this chapter; of this amount, not more than ten percent of the biennial capital budget appropriation may be expended for emergency loans and not more than one percent of the biennial capital budget appropriation may be expended for capital facility planning loans. For the 2007-2009 biennium, moneys in the account may be used for grants for projects identified in section 138, chapter 488, Laws of 2005 and section 1033, chapter 520, Laws of 2007. During the 2009-2011 fiscal biennium, sums in the public works assistance account may be used for the water pollution control revolving fund program match in section 3013, chapter 36, Laws of 2010 1st sp. sess. During the 2009-2011 fiscal biennium, the legislature may transfer from the job development fund to the general fund such amounts as reflect the excess fund balance of the fund. During the 2011-2013 fiscal biennium, the legislature may transfer from the public works assistance account to the general fund, the water pollution control revolving account, and the drinking water assistance account such amounts as reflect the excess fund balance of the account.

**NEW SECTION. Sec. 952.** Section 951 (RCW 43.155.050) of this act takes effect June 30, 2011.

**Sec. 953.** RCW 43.185.050 and 2006 c 371 s 236 are each amended to read as follows:

(1) The department shall use moneys from the housing trust fund and other legislative appropriations to finance in whole or in part any loans or grant projects that will provide housing for persons and families with special housing needs and with incomes at or below fifty percent of the median family income for the county or standard metropolitan statistical area where the project is located. At least thirty percent of these moneys used in any given funding cycle



shall be for the benefit of projects located in rural areas of the state as defined by the department. If the department determines that it has not received an adequate number of suitable applications for rural projects during any given funding cycle, the department may allocate unused moneys for projects in nonrural areas of the state.

(2) Activities eligible for assistance from the housing trust fund and other legislative appropriations include, but are not limited to:

(a) New construction, rehabilitation, or acquisition of low and very low-income housing units;

(b) Rent subsidies;

(c) Matching funds for social services directly related to providing housing for special-need tenants in assisted projects;

(d) Technical assistance, design and finance services and consultation, and administrative costs for eligible nonprofit community or neighborhood-based organizations;

(e) Administrative costs for housing assistance groups or organizations when such grant or loan will substantially increase the recipient's access to housing funds other than those available under this chapter;

(f) Shelters and related services for the homeless, including emergency shelters and overnight youth shelters;

(g) Mortgage subsidies, including temporary rental and mortgage payment subsidies to prevent homelessness;

(h) Mortgage insurance guarantee or payments for eligible projects;

(i) Down payment or closing cost assistance for eligible first-time home buyers;

(j) Acquisition of housing units for the purpose of preservation as low-income or very low-income housing;

(k) Projects making housing more accessible to families with members who have disabilities; and

(l) During the 2005-2007 fiscal biennium, a manufactured/mobile home landlord-tenant ombudsman conflict resolution and park registration program.

(3) During the 2005-2007 fiscal biennium, revenues generated under RCW 36.22.178 may be used for the development of affordable housing projects and other activities funded in section 108, chapter 371, Laws of 2006.

(4) Legislative appropriations from capital bond proceeds may be used only for the costs of projects authorized under subsection (2)(a), (i), and (j) of this section, and not for the administrative costs of the department.

(5) Moneys from repayment of loans from appropriations from capital bond proceeds may be used for all activities necessary for the proper functioning of the housing assistance program except for activities authorized under subsection (2)(b) and (c) of this section.

(6) Administrative costs of the department shall not exceed five percent of the annual funds available for the housing assistance program, except during the 2011-2013 fiscal biennium when administrative costs associated with housing trust fund application, distribution, and project development activities may not exceed three percent of the annual funds available for the housing assistance program; administrative costs associated with compliance and monitoring activities of the department may not exceed one quarter of one percent annually of the contracted amount of state investment in the housing assistance program;

and reappropriations may not be included in the calculation of the annual funds available for determining the administrative costs.

**Sec. 954.** RCW 43.185A.030 and 2005 c 518 s 1803 and 2005 c 219 s 3 are each reenacted and amended to read as follows:

(1) Using moneys specifically appropriated for such purpose, the department shall finance in whole or in part projects that will provide housing for low-income households.

(2) Activities eligible for assistance include, but are not limited to:

(a) New construction, rehabilitation, or acquisition of housing for low-income households;

(b) Rent subsidies in new construction or rehabilitated multifamily units;

(c) Down payment or closing costs assistance for first-time home buyers;

(d) Mortgage subsidies for new construction or rehabilitation of eligible multifamily units; and

(e) Mortgage insurance guarantee or payments for eligible projects.

(3) Legislative appropriations from capital bond proceeds may be used only for the costs of projects authorized under subsection (2) (a), (c), (d), and (e) of this section, and not for the administrative costs of the department.

(4) Moneys from repayment of loans from appropriations from capital bond proceeds may be used for all activities necessary for the proper functioning of the affordable housing program except for activities authorized under subsection (2)(b) of this section.

(5) Administrative costs of the department shall not exceed four percent of the annual funds available for the affordable housing program, except during the 2011-2013 fiscal biennium when administrative costs associated with housing trust fund application, distribution, and project development activities may not exceed three percent of the annual funds available for the housing assistance program; administrative costs associated with compliance and monitoring activities of the department may not exceed one quarter of one percent annually of the contracted amount of state investment in the housing assistance program; and reappropriations may not be included in the calculation of the annual funds available for determining the administrative costs.

**Sec. 955.** RCW 43.185C.190 and 2007 c 427 s 2 are each amended to read as follows:

The affordable housing for all account is created in the state treasury, subject to appropriation. The state's portion of the surcharges established in RCW 36.22.178 shall be deposited in the account. Expenditures from the account may only be used for affordable housing programs. During the 2011-2013 fiscal biennium, moneys in the account may be transferred to the home security fund.

**Sec. 956.** RCW 43.330.250 and 2009 c 565 s 13 and 2009 c 564 s 943 are each reenacted and amended to read as follows:

(1) The economic development strategic reserve account is created in the state treasury to be used only for the purposes of this section.

(2) Only the governor, with the recommendation of the director of the department of commerce and the economic development commission, may authorize expenditures from the account.

(3) Expenditures from the account shall be made in an amount sufficient to fund a minimum of one staff position for the economic development commission and to cover any other operational costs of the commission.

(4) During the 2009-2011 (~~fiscal biennium~~) and 2011-2013 fiscal biennia, moneys in the account may also be transferred into the state general fund.

(5) Expenditures from the account may be made to prevent closure of a business or facility, to prevent relocation of a business or facility in the state to a location outside the state, or to recruit a business or facility to the state. Expenditures may be authorized for:

(a) Workforce development;

(b) Public infrastructure needed to support or sustain the operations of the business or facility; and

(c) Other lawfully provided assistance, including, but not limited to, technical assistance, environmental analysis, relocation assistance, and planning assistance. Funding may be provided for such assistance only when it is in the public interest and may only be provided under a contractual arrangement ensuring that the state will receive appropriate consideration, such as an assurance of job creation or retention.

(6) The funds shall not be expended from the account unless:

(a) The circumstances are such that time does not permit the director of the department of commerce or the business or facility to secure funding from other state sources;

(b) The business or facility produces or will produce significant long-term economic benefits to the state, a region of the state, or a particular community in the state;

(c) The business or facility does not require continuing state support;

(d) The expenditure will result in new jobs, job retention, or higher incomes for citizens of the state;

(e) The expenditure will not supplant private investment; and

(f) The expenditure is accompanied by private investment.

(7) No more than three million dollars per year may be expended from the account for the purpose of assisting an individual business or facility pursuant to the authority specified in this section.

(8) If the account balance in the strategic reserve account exceeds fifteen million dollars at any time, the amount in excess of fifteen million dollars shall be transferred to the education construction account.

**Sec. 957.** RCW 43.336.020 and 2009 c 549 s 5178 are each amended to read as follows:

(1) The Washington tourism commission is created.

(2) The commission shall be cochaired by the director of the department or the director's designee, and by an industry-member representative who is elected by the commission members.

(3) The commission shall have nineteen members. In appointing members, the governor shall endeavor to balance the geographic and demographic composition of the commission to include members with special expertise from tourism organizations, local jurisdictions, and small businesses directly engaged in tourism-related activities. Before making appointments to the Washington tourism commission, the governor shall consider nominations from recognized

organizations that represent the entities or interests identified in this section. Commission members shall be appointed by the governor as follows:

(a) Three members to represent the lodging industry, at least two of which shall be chosen from a list of three nominees per position submitted by the state's largest lodging industry trade association. Members should represent all property categories and different regions of the state;

(b) Three representatives from nonprofit destination marketing organizations or visitor and convention bureaus;

(c) Three industry representatives from the arts, entertainment, attractions, or recreation industry;

(d) Four private industry representatives, two from each of the business categories in this subsection:

(i) The food, beverage, and wine industries; and

(ii) The travel and transportation industries;

(e) Four legislative members, one from each major caucus of the senate, designated by the president of the senate, and one from each major caucus of the house of representatives, designated by the speaker of the house of representatives;

(f) The chair of the Washington convention and trade center; and

(g) The director or the director's designee.

(4)(a) Terms of nonlegislative members shall be three years, except that initial terms shall be staggered such that terms of one-third of the initial members shall expire each year.

(b) Terms of legislative members shall be two years.

(c) Vacancies shall be appointed in the same manner as the original appointment.

(d) A member appointed by the governor may not be absent from more than fifty percent of the regularly scheduled meetings in any one calendar year. Any member who exceeds this absence limitation is deemed to have withdrawn from the office and may be replaced by the governor.

(5) Members shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(6) The commission shall meet at least four times per year, but may meet more frequently as necessary.

(7) A majority of members currently appointed constitutes a quorum.

(8) Staff support shall be provided by the department, and staff shall report to the executive director.

(9) The director, in consultation with the commission, shall appoint an executive director.

(10) The commission may adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of this chapter.

(11) During the 2011-2013 fiscal biennium, the commission and its activities and responsibilities are suspended.

**Sec. 958.** RCW 46.66.080 and 2011 c 5 s 915 are each amended to read as follows:

(1) The Washington auto theft prevention authority account is created in the state treasury, subject to appropriation. All revenues from the traffic infraction surcharge in RCW 46.63.110(7)(b) and all receipts from gifts, grants, bequests, devises, or other funds from public and private sources to support the activities

of the auto theft prevention authority must be deposited into the account. Expenditures from the account may be used only for activities relating to motor vehicle theft, including education, prevention, law enforcement, investigation, prosecution, and confinement. During the 2009-2011 ~~and 2011-2013~~ fiscal ~~((biennium))~~ biennia, the legislature may appropriate moneys from the Washington auto theft prevention authority account for criminal justice purposes and community building and may transfer funds to the state general fund such amounts as reflect the excess fund balance of the account.

(2) The authority shall allocate moneys appropriated from the account to public agencies for the purpose of establishing, maintaining, and supporting programs that are designed to prevent motor vehicle theft, including:

(a) Financial support to prosecution agencies to increase the effectiveness of motor vehicle theft prosecution;

(b) Financial support to a unit of local government or a team consisting of units of local governments to increase the effectiveness of motor vehicle theft enforcement;

(c) Financial support for the procurement of equipment and technologies for use by law enforcement agencies for the purpose of enforcing motor vehicle theft laws; and

(d) Financial support for programs that are designed to educate and assist the public in the prevention of motor vehicle theft.

(3) The costs of administration shall not exceed ten percent of the moneys in the account in any one year so that the greatest possible portion of the moneys available to the authority is expended on combating motor vehicle theft.

(4) Prior to awarding any moneys from the Washington auto theft prevention authority account for motor vehicle theft enforcement, the auto theft prevention authority must verify that the financial award includes sufficient funding to cover proposed activities, which include, but are not limited to: (a) State, municipal, and county offender and juvenile confinement costs; (b) administration costs; (c) law enforcement costs; (d) prosecutor costs; and (e) court costs, with a priority being given to ensuring that sufficient funding is available to cover state, municipal, and county offender and juvenile confinement costs.

(5) Moneys expended from the Washington auto theft prevention authority account under subsection (2) of this section shall be used to supplement, not supplant, other moneys that are available for motor vehicle theft prevention.

(6) Grants provided under subsection (2) of this section constitute reimbursement for purposes of RCW 43.135.060(1).

**Sec. 959.** RCW 66.08.170 and 2009 c 564 s 947 are each amended to read as follows:

There shall be a fund, known as the "liquor revolving fund", which shall consist of all license fees, permit fees, penalties, forfeitures, and all other moneys, income, or revenue received by the board. The state treasurer shall be custodian of the fund. All moneys received by the board or any employee thereof, except for change funds and an amount of petty cash as fixed by the board within the authority of law shall be deposited each day in a depository approved by the state treasurer and transferred to the state treasurer to be credited to the liquor revolving fund. During the 2009-2011 fiscal biennium, the legislature may transfer funds from the liquor revolving account [fund] to the

state general fund and may direct an additional amount of liquor profits to be distributed to local governments. Neither the transfer of funds nor the additional distribution of liquor profits to local governments during the 2009-2011 fiscal biennium may reduce the excess fund distributions that otherwise would occur under RCW 66.08.190. During the 2011-2013 fiscal biennium, the state treasurer shall transfer from the liquor revolving fund to the state general fund forty-two million five hundred thousand dollars for fiscal year 2012 and forty-two million five hundred thousand dollars for fiscal year 2013. The transfer during the 2011-2013 fiscal biennium may not reduce the excess fund distributions that otherwise would occur under RCW 66.08.190. Sales to licensees are exempt from any liquor price increases that may result from the transfer of funds from the liquor revolving fund to the state general fund during the 2011-2013 fiscal biennium. Disbursements from the revolving fund shall be on authorization of the board or a duly authorized representative thereof. In order to maintain an effective expenditure and revenue control the liquor revolving fund shall be subject in all respects to chapter 43.88 RCW but no appropriation shall be required to permit expenditures and payment of obligations from such fund.

**Sec. 960.** RCW 66.08.190 and 2003 1st sp.s. c 25 s 927 are each amended to read as follows:

(1) Except for revenues generated by the 2003 surcharge of \$0.42/liter on retail sales of spirits that (~~shall~~) must be distributed to the state general fund during the 2003-2005 biennium, when excess funds are distributed, all moneys subject to distribution (~~shall~~) must be disbursed as follows:

(a) Three-tenths of one percent to border areas under RCW 66.08.195; and

(b) Except as provided in subsection (4) of this section, from the amount remaining after distribution under (a) of this subsection, (i) fifty percent to the general fund of the state, (ii) ten percent to the counties of the state, and (iii) forty percent to the incorporated cities and towns of the state.

(2) During the months of June, September, December, and March of each year, prior to disbursing the distribution to incorporated cities and towns under subsection (1)(b) of this section, the treasurer (~~shall~~) must deduct from that distribution an amount that will fund that quarter's allotments under RCW 43.88.110 from any legislative appropriation from the city and town research services account. The treasurer (~~shall~~) must deposit the amount deducted into the city and town research services account.

(3) The governor may notify and direct the state treasurer to withhold the revenues to which the counties and cities are entitled under this section if the counties or cities are found to be in noncompliance pursuant to RCW 36.70A.340.

(4) During the 2011-2013 fiscal biennium, from the amount remaining after distribution under subsection (1)(a) of this section, (a) 51.7 percent to the general fund of the state, (b) 9.7 percent to the counties of the state, and (c) 38.6 percent to the incorporated cities and towns of the state.

**Sec. 961.** RCW 66.08.235 and 2005 c 151 s 4 are each amended to read as follows:

The liquor control board construction and maintenance account is created within the state treasury. The liquor control board shall deposit into this account

a portion of the board's markup, as authorized by chapter 66.16 RCW, placed upon liquor as determined by the board. Moneys in the account may be spent only after appropriation. The liquor control board shall use deposits to this account to fund construction and maintenance of a centralized distribution center for liquor products intended for sale through the board's liquor store and contract liquor store system. During the ~~((2001-2003))~~ 2011-2013 fiscal biennium, the legislature may transfer from the liquor control board construction and maintenance account to the state general fund such amounts as reflect the ~~((appropriations reductions made by the 2002 supplemental appropriations act for administrative efficiencies and savings))~~ excess fund balance of the account.

**Sec. 962.** RCW 67.70.260 and 2002 c 371 s 919 are each amended to read as follows:

There is hereby created the lottery administrative account in the state treasury. The account shall be managed, controlled, and maintained by the director. The legislature may appropriate from the account for the payment of costs incurred in the operation and administration of the lottery. During the 2001-2003 fiscal biennium, the legislature may transfer from the lottery administrative account to the state general fund such amounts as reflect the appropriations reductions made by the 2002 supplemental appropriations act for administrative efficiencies and savings. During the 2011-2013 fiscal biennium, the lottery administrative account may also be used to fund an independent forecast of the lottery revenues conducted by the economic and revenue forecast council.

**Sec. 963.** RCW 70.93.180 and 2010 1st sp.s. c 37 s 945 are each amended to read as follows:

(1) There is hereby created an account within the state treasury to be known as the "waste reduction, recycling, and litter control account". Moneys in the account may be spent only after appropriation. Expenditures from the waste reduction, recycling, and litter control account shall be used as follows:

(a) Fifty percent to the department of ecology, for use by the departments of ecology, natural resources, revenue, transportation, and corrections, and the parks and recreation commission, for use in litter collection programs, to be distributed under RCW 70.93.220. The amount to the department of ecology shall also be used for a central coordination function for litter control efforts statewide, for the biennial litter survey under RCW 70.93.200(8), and for statewide public awareness programs under RCW 70.93.200(7). The amount to the department shall also be used to defray the costs of administering the funding, coordination, and oversight of local government programs for waste reduction, litter control, and recycling, so that local governments can apply one hundred percent of their funding to achieving program goals. The amount to the department of revenue shall be used to enforce compliance with the litter tax imposed in chapter 82.19 RCW;

(b) Twenty percent to the department for local government funding programs for waste reduction, litter control, and recycling activities by cities and counties under RCW 70.93.250, to be administered by the department of ecology; and

(c) Thirty percent to the department of ecology for waste reduction and recycling efforts.

(2) All taxes imposed in RCW 82.19.010 and fines and bail forfeitures collected or received pursuant to this chapter shall be deposited in the waste reduction, recycling, and litter control account and used for the programs under subsection (1) of this section.

(3) Not less than five percent and no more than ten percent of the amount appropriated into the waste reduction, recycling, and litter control account every biennium shall be reserved for capital needs, including the purchase of vehicles for transporting crews and for collecting litter and solid waste. Capital funds shall be distributed among state agencies and local governments according to the same criteria provided in RCW 70.93.220 for the remainder of the funds, so that the most effective waste reduction, litter control, and recycling programs receive the most funding. The intent of this subsection is to provide funds for the purchase of equipment that will enable the department to account for the greatest return on investment in terms of reaching a zero litter goal.

(4) During the 2009-2011 fiscal biennium, the legislature may transfer from the waste reduction, recycling, and litter control account to the state general fund such amounts as reflect the excess fund balance of the account. Additionally, during the 2009-2011 fiscal biennium, subsection (1)(a), (b), and (c) of this section is suspended.

(5) During the 2011-2013 fiscal biennium, the legislature may transfer from the waste reduction, recycling, and litter control account to the state general fund such amounts as reflect the excess fund balance of the account. Additionally, during the 2011-2013 fiscal biennium, subsection (1)(a), (b), and (c) of this section is suspended.

**Sec. 964.** RCW 70.105D.070 and 2010 1st sp.s. c 37 s 942 are each amended to read as follows:

(1) The state toxics control account and the local toxics control account are hereby created in the state treasury.

(2) The following moneys shall be deposited into the state toxics control account: (a) Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-three one-hundredths of one percent; (b) the costs of remedial actions recovered under this chapter or chapter 70.105A RCW; (c) penalties collected or recovered under this chapter; and (d) any other money appropriated or transferred to the account by the legislature. Moneys in the account may be used only to carry out the purposes of this chapter, including but not limited to the following activities:

(i) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(ii) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;

(iii) The hazardous waste cleanup program required under this chapter;

(iv) State matching funds required under the federal cleanup law;

(v) Financial assistance for local programs in accordance with chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(vi) State government programs for the safe reduction, recycling, or disposal of hazardous wastes from households, small businesses, and agriculture;

(vii) Hazardous materials emergency response training;



- (viii) Water and environmental health protection and monitoring programs;
- (ix) Programs authorized under chapter 70.146 RCW;
- (x) A public participation program, including regional citizen advisory committees;
- (xi) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with cleanup standards under RCW 70.105D.030(2)(e) but only when the amount and terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both (A) a substantially more expeditious or enhanced cleanup than would otherwise occur, and (B) the prevention or mitigation of unfair economic hardship;
- (xii) Development and demonstration of alternative management technologies designed to carry out the hazardous waste management priorities of RCW 70.105.150;
- (xiii) During the 2009-2011 and 2011-2013 fiscal ~~((biennium))~~ biennia, shoreline update technical assistance; ~~((and))~~
- (xiv) During the 2009-2011 fiscal biennium, multijurisdictional permitting teams; and
- (xv) During the 2011-2013 fiscal biennium, actions for reducing public exposure to toxic air pollution.

(3) The following moneys shall be deposited into the local toxics control account: Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-seven one-hundredths of one percent.

(a) Moneys deposited in the local toxics control account shall be used by the department for grants or loans to local governments for the following purposes in descending order of priority:

- (i) Remedial actions;
- (ii) Hazardous waste plans and programs under chapter 70.105 RCW;
- (iii) Solid waste plans and programs under chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;
- (iv) Funds for a program to assist in the assessment and cleanup of sites of methamphetamine production, but not to be used for the initial containment of such sites, consistent with the responsibilities and intent of RCW 69.50.511; and
- (v) Cleanup and disposal of hazardous substances from abandoned or derelict vessels, defined for the purposes of this section as vessels that have little or no value and either have no identified owner or have an identified owner lacking financial resources to clean up and dispose of the vessel, that pose a threat to human health or the environment.

(b) Funds for plans and programs shall be allocated consistent with the priorities and matching requirements established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW, except that any applicant that is a Puget Sound partner, as defined in RCW 90.71.010, along with any project that is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310, shall, except as conditioned by RCW 70.105D.120, receive priority for any available funding for any grant or funding programs or sources that use a competitive bidding process. During the 2007-2009 fiscal biennium, moneys in the account may also be used for grants to local governments to retrofit public

sector diesel equipment and for storm water planning and implementation activities.

(c) To expedite cleanups throughout the state, the department shall partner with local communities and liable parties for cleanups. the department is authorized to use the following additional strategies in order to ensure a healthful environment for future generations:

(i) The director may alter grant-matching requirements to create incentives for local governments to expedite cleanups when one of the following conditions exists:

(A) Funding would prevent or mitigate unfair economic hardship imposed by the clean-up liability;

(B) Funding would create new substantial economic development, public recreational, or habitat restoration opportunities that would not otherwise occur; or

(C) Funding would create an opportunity for acquisition and redevelopment of vacant, orphaned, or abandoned property under RCW 70.105D.040(5) that would not otherwise occur;

(ii) The use of outside contracts to conduct necessary studies;

(iii) The purchase of remedial action cost-cap insurance, when necessary to expedite multiparty clean-up efforts.

(d) To facilitate and expedite cleanups using funds from the local toxics control account, during the 2009-2011 fiscal biennium the director may establish grant-funded accounts to hold and disperse local toxics control account funds and funds from local governments to be used for remedial actions.

(4) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute.

(5) Except during the 2009-2011 fiscal biennium, one percent of the moneys deposited into the state and local toxics control accounts shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. No grant may exceed sixty thousand dollars. Grants may be renewed annually. Moneys appropriated for public participation from either account which are not expended at the close of any biennium shall revert to the state toxics control account.

(6) No moneys deposited into either the state or local toxics control account may be used for solid waste incinerator feasibility studies, construction, maintenance, or operation, or, after January 1, 2010, for projects designed to address the restoration of Puget Sound, funded in a competitive grant process, that are in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

(7) The department shall adopt rules for grant or loan issuance and performance.

(8) During the 2007-2009 and 2009-2011 fiscal biennia, the legislature may transfer from the local toxics control account to either the state general fund or

the oil spill prevention account, or both such amounts as reflect excess fund balance in the account.

(9) During the 2009-2011 fiscal biennium, the local toxics control account may also be used for a standby rescue tug at Neah Bay, local government shoreline update grants, private and public sector diesel equipment retrofit, and oil spill prevention, preparedness, and response activities.

(10) During the 2009-2011 fiscal biennium, the legislature may transfer from the state toxics control account to the state general fund such amounts as reflect the excess fund balance in the account.

(11) During the 2011-2013 fiscal biennium, the local toxics control account may also be used for local government shoreline update grants and actions for reducing public exposure to toxic air pollution.

**Sec. 965.** RCW 74.13.621 and 2009 c 564 s 954 are each amended to read as follows:

(1) Within existing resources, the department shall establish an oversight committee to monitor, guide, and report on kinship care recommendations and implementation activities. The committee shall:

(a) Draft a kinship care definition that is restricted to persons related by blood, marriage, or adoption, including marriages that have been dissolved, or for a minor defined as an "Indian child" under the federal Indian child welfare act (25 U.S.C. Sec. 1901 et seq.), the definition of "extended family member" under the federal Indian child welfare act, and a set of principles. If the committee concludes that one or more programs or services would be more efficiently and effectively delivered under a different definition of kin, it shall state what definition is needed, and identify the program or service in the report. It shall also provide evidence of how the program or service will be more efficiently and effectively delivered under the different definition. The department shall not adopt rules or policies changing the definition of kin without authorizing legislation;

(b) Monitor and provide consultation on the implementation of recommendations contained in the 2002 kinship care report, including but not limited to the recommendations relating to legal and respite care services and resources;

(c) Partner with nonprofit organizations and private sector businesses to guide a public education awareness campaign; and

(d) Assist with developing future recommendations on kinship care issues.

(2) The department shall consult with the oversight committee on its efforts to better collaborate and coordinate services to benefit kinship care families.

(3) The oversight committee must consist of a minimum of thirty percent kinship caregivers, who shall represent a diversity of kinship families. Statewide representation with geographic, ethnic, and gender diversity is required. Other members shall include representatives of the department, representatives of relevant state agencies, representatives of the private nonprofit and business sectors, child advocates, representatives of Washington state Indian tribes as defined under the federal Indian welfare act (25 U.S.C. Sec. 1901 et seq.), and representatives of the legal or judicial field. Birth parents, foster parents, and others who have an interest in these issues may also be included.

(4) To the extent funding is available, the department may reimburse nondepartmental members of the oversight committee for costs incurred in participating in the meetings of the oversight committee.

(5) The kinship care oversight committee shall update the legislature and governor annually on committee activities, with the first update due by January 1, 2006.

(6) This section expires June 30, (~~2011~~) 2013.

**Sec. 966.** RCW 79.64.040 and 2009 c 564 s 957 are each amended to read as follows:

(1) The board shall determine the amount deemed necessary in order to achieve the purposes of this chapter and shall provide by rule for the deduction of this amount from the moneys received from all leases, sales, contracts, licenses, permits, easements, and rights-of-way issued by the department and affecting state lands and aquatic lands, provided that no deduction shall be made from the proceeds from agricultural college lands.

(2) Moneys received as deposits from successful bidders, advance payments, and security under RCW 79.15.100, 79.15.080, and 79.11.150 prior to December 1, 1981, which have not been subjected to deduction under this section are not subject to deduction under this section.

(3) Except as otherwise provided in subsection (5) of this section, the deductions authorized under this section shall not exceed twenty-five percent of the moneys received by the department in connection with any one transaction pertaining to state lands and aquatic lands other than second-class tide and shore lands and the beds of navigable waters, and fifty percent of the moneys received by the department pertaining to second-class tide and shore lands and the beds of navigable waters.

(4) In the event that the department sells logs using the contract harvesting process described in RCW 79.15.500 through 79.15.530, the moneys received subject to this section are the net proceeds from the contract harvesting sale.

(5) During the 2009-2011 fiscal biennium and fiscal year 2012, the twenty-five percent limitation on deductions set in subsection (3) of this section may be increased up to thirty percent by the board.

**Sec. 967.** RCW 79.105.150 and 2010 1st sp.s. c 37 s 949 are each amended to read as follows:

(1) After deduction for management costs as provided in RCW 79.64.040 and payments to towns under RCW 79.115.150(2), all moneys received by the state from the sale or lease of state-owned aquatic lands and from the sale of valuable material from state-owned aquatic lands shall be deposited in the aquatic lands enhancement account which is hereby created in the state treasury. After appropriation, these funds shall be used solely for aquatic lands enhancement projects; for the purchase, improvement, or protection of aquatic lands for public purposes; for providing and improving access to the lands; and for volunteer cooperative fish and game projects. During the 2009-2011 and 2011-2013 fiscal (~~biennium~~) biennia, the aquatic lands enhancement account may also be used for scientific research as part of the adaptive management process and for developing a planning report for McNeil Island. During the 2009-~~2011~~ (~~fiscal biennium~~) and 2011-2013 fiscal biennia, the legislature may

transfer from the aquatic lands enhancement account to the state general fund such amounts as reflect excess fund balance of the account.

(2) In providing grants for aquatic lands enhancement projects, the recreation and conservation funding board shall:

(a) Require grant recipients to incorporate the environmental benefits of the project into their grant applications;

(b) Utilize the statement of environmental benefits, consideration, except as provided in RCW 79.105.610, of whether the applicant is a Puget Sound partner, as defined in RCW 90.71.010, whether a project is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310, and except as otherwise provided in RCW 79.105.630, and effective one calendar year following the development and statewide availability of model evergreen community management plans and ordinances under RCW 35.105.050, whether the applicant is an entity that has been recognized, and what gradation of recognition was received, in the evergreen community recognition program created in RCW 35.105.030 in its prioritization and selection process; and

(c) Develop appropriate outcome-focused performance measures to be used both for management and performance assessment of the grants.

(3) To the extent possible, the department should coordinate its performance measure system with other natural resource-related agencies as defined in RCW 43.41.270.

(4) The department shall consult with affected interest groups in implementing this section.

(5) After January 1, 2010, any project designed to address the restoration of Puget Sound may be funded under this chapter only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

**Sec. 968.** RCW 80.36.430 and 2011 c 5 s 919 are each amended to read as follows:

(1) The Washington telephone assistance program shall be funded by a telephone assistance excise tax on all switched access lines and by funds from any federal government or other programs for this purpose. Switched access lines are defined in RCW 82.14B.020. The telephone assistance excise tax shall be applied equally to all residential and business access lines not to exceed fourteen cents per month. The department shall submit an approved annual budget for the Washington telephone assistance program to the department of revenue no later than March 1st prior to the beginning of each fiscal year. The department of revenue shall then determine the amount of telephone assistance excise tax to be placed on each switched access line and shall inform local exchange companies and the utilities and transportation commission of this amount no later than May 1st. The department of revenue shall determine the amount of telephone assistance excise tax by dividing the total of the program budget funded by the telephone assistance excise tax, as submitted by the department, by the total number of switched access lines in the prior calendar year. The telephone assistance excise tax shall be separately identified on each ratepayer's bill as the "Washington telephone assistance program." All money collected from the telephone assistance excise tax shall be transferred to a telephone assistance fund administered by the department.

(2) Local exchange companies shall bill the fund for their expenses incurred in offering the telephone assistance program, including administrative and program expenses. The department shall disburse the money to the local exchange companies. The department is exempted from having to conclude a contract with local exchange companies in order to effect this reimbursement. The department shall recover its administrative costs from the fund. The department may specify by rule the range and extent of administrative and program expenses that will be reimbursed to local exchange companies.

(3) The department shall enter into an agreement with the department of commerce for an amount not to exceed eight percent of the prior fiscal year's total revenue for the administrative and program expenses of providing community service voice mail services. The community service voice mail service may include toll-free lines in community action agencies through which recipients can access their community service voice mailboxes at no charge.

(4) During the 2009-2011 (~~biennium~~) and 2011-2013 biennia, the department shall enter into an agreement with the WIN 211 organization for operational support. During the 2011-2013 biennium, the department shall provide five hundred thousand dollars per fiscal year for this purpose.

(5) During the 2009-2011 biennium, the telephone assistance fund shall also be used in support of the economic services administration call centers and related operations.

**Sec. 969.** RCW 82.08.160 and 1982 1st ex.s. c 35 s 4 are each amended to read as follows:

(1) On or before the twenty-fifth day of each month, all taxes collected under RCW 82.08.150 during the preceding month (~~shall~~) must be remitted to the state department of revenue, to be deposited with the state treasurer. Except as provided in subsection (2) of this section, upon receipt of such moneys the state treasurer (~~shall~~) must credit sixty-five percent of the sums collected and remitted under RCW 82.08.150 (1) and (2) and one hundred percent of the sums collected and remitted under RCW 82.08.150 (3) and (4) to the state general fund and thirty-five percent of the sums collected and remitted under RCW 82.08.150 (1) and (2) to a fund which is hereby created to be known as the "liquor excise tax fund."

(2) During the 2011-2013 fiscal biennium, 66.19 percent of the sums collected and remitted under RCW 82.08.150 (1) and (2) must be deposited in the state general fund and the remainder collected and remitted under RCW 82.08.150 (1) and (2) must be deposited in the liquor excise tax fund.

**Sec. 970.** RCW 82.14.310 and 2005 c 282 s 49 are each amended to read as follows:

(1) The county criminal justice assistance account is created in the state treasury. Beginning in fiscal year 2000, the state treasurer (~~shall~~) must transfer into the county criminal justice assistance account from the general fund the sum of twenty-three million two hundred thousand dollars divided into four equal deposits occurring on July 1, October 1, January 1, and April 1. For each fiscal year thereafter, the state treasurer (~~shall~~) must increase the total transfer by the fiscal growth factor, as defined in RCW 43.135.025, forecast for that fiscal year by the office of financial management in November of the preceding year.

(2) The moneys deposited in the county criminal justice assistance account for distribution under this section, less any moneys appropriated for purposes under subsection (4) of this section, ~~((shall))~~ must be distributed at such times as distributions are made under RCW 82.44.150 and on the relative basis of each county's funding factor as determined under this subsection.

(a) A county's funding factor is the sum of:

(i) The population of the county, divided by one thousand, and multiplied by two-tenths;

(ii) The crime rate of the county, multiplied by three-tenths; and

(iii) The annual number of criminal cases filed in the county superior court, for each one thousand in population, multiplied by five-tenths.

(b) Under this section and RCW 82.14.320 and 82.14.330:

(i) The population of the county or city ~~((shall be))~~ is as last determined by the office of financial management;

(ii) The crime rate of the county or city is the annual occurrence of specified criminal offenses, as calculated in the most recent annual report on crime in Washington state as published by the Washington association of sheriffs and police chiefs, for each one thousand in population;

(iii) The annual number of criminal cases filed in the county superior court ~~((shall))~~ must be determined by the most recent annual report of the courts of Washington, as published by the administrative office of the courts;

(iv) Distributions and eligibility for distributions in the ~~((1989-91))~~ 1989-1991 biennium ~~((shall))~~ must be based on 1988 figures for both the crime rate as described under (ii) of this subsection and the annual number of criminal cases that are filed as described under (iii) of this subsection. Future distributions ~~((shall))~~ must be based on the most recent figures for both the crime rate as described under (ii) of this subsection and the annual number of criminal cases that are filed as described under (iii) of this subsection.

(3) Moneys distributed under this section ~~((shall))~~ must be expended exclusively for criminal justice purposes and ~~((shall))~~ may not be used to replace or supplant existing funding. Criminal justice purposes are defined as activities that substantially assist the criminal justice system, which may include circumstances where ancillary benefit to the civil or juvenile justice system occurs, and which includes (a) domestic violence services such as those provided by domestic violence programs, community advocates, and legal advocates, as defined in RCW 70.123.020, and (b) during the 2001-2003 fiscal biennium, juvenile dispositional hearings relating to petitions for at-risk youth, truancy, and children in need of services. Existing funding for purposes of this subsection is defined as calendar year 1989 actual operating expenditures for criminal justice purposes. Calendar year 1989 actual operating expenditures for criminal justice purposes exclude the following: Expenditures for extraordinary events not likely to reoccur, changes in contract provisions for criminal justice services, beyond the control of the local jurisdiction receiving the services, and major nonrecurring capital expenditures.

(4) Not more than five percent of the funds deposited to the county criminal justice assistance account ~~((shall))~~ may be available for appropriations for enhancements to the state patrol crime laboratory system and the continuing costs related to these enhancements. Funds appropriated from this account for

such enhancements ~~((shall))~~ may not supplant existing funds from the state general fund.

(5) During the 2011-2013 fiscal biennium, the amount that would otherwise be transferred into the county criminal justice assistance account from the general fund under subsection (1) of this section must be reduced by 3.4 percent.

**Sec. 971.** RCW 82.14.320 and 1998 c 321 s 12 are each amended to read as follows:

(1) The municipal criminal justice assistance account is created in the state treasury. Beginning in fiscal year 2000, the state treasurer ~~((shall))~~ must transfer into the municipal criminal justice assistance account for distribution under this section from the general fund the sum of four million six hundred thousand dollars divided into four equal deposits occurring on July 1, October 1, January 1, and April 1. For each fiscal year thereafter, the state treasurer ~~((shall))~~ must increase the total transfer by the fiscal growth factor, as defined in RCW 43.135.025, forecast for that fiscal year by the office of financial management in November of the preceding year.

(2) No city may receive a distribution under this section from the municipal criminal justice assistance account unless:

(a) The city has a crime rate in excess of one hundred twenty-five percent of the statewide average as calculated in the most recent annual report on crime in Washington state as published by the Washington association of sheriffs and police chiefs;

(b) The city has levied the tax authorized in RCW 82.14.030(2) at the maximum rate or the tax authorized in RCW 82.46.010(3) at the maximum rate; and

(c) The city has a per capita yield from the tax imposed under RCW 82.14.030(1) at the maximum rate of less than one hundred fifty percent of the statewide average per capita yield for all cities from such local sales and use tax.

(3) The moneys deposited in the municipal criminal justice assistance account for distribution under this section, less any moneys appropriated for purposes under subsection (7) of this section, ~~((shall))~~ must be distributed at such times as distributions are made under RCW 82.44.150. The distributions ~~((shall))~~ must be made as follows:

(a) Unless reduced by this subsection, thirty percent of the moneys ~~((shall))~~ must be distributed ratably based on population as last determined by the office of financial management to those cities eligible under subsection (2) of this section that have a crime rate determined under subsection (2)(a) of this section which is greater than one hundred seventy-five percent of the statewide average crime rate. No city may receive more than fifty percent of any moneys distributed under this subsection (a) but, if a city distribution is reduced as a result of exceeding the fifty percent limitation, the amount not distributed ~~((shall))~~ must be distributed under (b) of this subsection.

(b) The remainder of the moneys, including any moneys not distributed in subsection (2)(a) of this section, ~~((shall))~~ must be distributed to all cities eligible under subsection (2) of this section ratably based on population as last determined by the office of financial management.

(4) No city may receive more than thirty percent of all moneys distributed under subsection (3) of this section.



(5) Notwithstanding other provisions of this section, the distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), ~~((shall))~~ must be made to the county in which the city is located.

(6) Moneys distributed under this section ~~((shall))~~ must be expended exclusively for criminal justice purposes and ~~((shall))~~ may not be used to replace or supplant existing funding. Criminal justice purposes are defined as activities that substantially assist the criminal justice system, which may include circumstances where ancillary benefit to the civil justice system occurs, and which includes domestic violence services such as those provided by domestic violence programs, community advocates, and legal advocates, as defined in RCW 70.123.020, and publications and public educational efforts designed to provide information and assistance to parents in dealing with runaway or at-risk youth. Existing funding for purposes of this subsection is defined as calendar year 1989 actual operating expenditures for criminal justice purposes. Calendar year 1989 actual operating expenditures for criminal justice purposes exclude the following: Expenditures for extraordinary events not likely to reoccur, changes in contract provisions for criminal justice services, beyond the control of the local jurisdiction receiving the services, and major nonrecurring capital expenditures.

(7) Not more than five percent of the funds deposited to the municipal criminal justice assistance account ~~((shall))~~ may be available for appropriations for enhancements to the state patrol crime laboratory system and the continuing costs related to these enhancements. Funds appropriated from this account for such enhancements ~~((shall))~~ may not supplant existing funds from the state general fund.

(8) During the 2011-2013 fiscal biennium, the amount that would otherwise be transferred into the municipal criminal justice assistance account from the general fund under subsection (1) of this section must be reduced by 3.4 percent.

**Sec. 972.** RCW 82.14.330 and 2003 c 90 s 1 are each amended to read as follows:

(1)(a) Beginning in fiscal year 2000, the state treasurer ~~((shall))~~ must transfer into the municipal criminal justice assistance account for distribution under this section from the general fund the sum of four million six hundred thousand dollars divided into four equal deposits occurring on July 1, October 1, January 1, and April 1. For each fiscal year thereafter, the state treasurer ~~((shall))~~ must increase the total transfer by the fiscal growth factor, as defined in RCW 43.135.025, forecast for that fiscal year by the office of financial management in November of the preceding year. The moneys deposited in the municipal criminal justice assistance account for distribution under this section, less any moneys appropriated for purposes under subsection (4) of this section, ~~((shall))~~ must be distributed to the cities of the state as follows:

~~((a))~~ (i) Twenty percent appropriated for distribution ~~((shall))~~ must be distributed to cities with a three-year average violent crime rate for each one thousand in population in excess of one hundred fifty percent of the statewide three-year average violent crime rate for each one thousand in population. The three-year average violent crime rate ~~((shall))~~ must be calculated using the violent crime rates for each of the preceding three years from the annual reports

on crime in Washington state as published by the Washington association of sheriffs and police chiefs. Moneys ~~((shall))~~ must be distributed under this subsection (1)(a) ratably based on population as last determined by the office of financial management, but no city may receive more than one dollar per capita. Moneys remaining undistributed under this subsection at the end of each calendar year ~~((shall))~~ must be distributed to the criminal justice training commission to reimburse participating city law enforcement agencies with ten or fewer full-time commissioned patrol officers the cost of temporary replacement of each officer who is enrolled in basic law enforcement training, as provided in RCW 43.101.200.

~~((b))~~ (ii) Sixteen percent ~~((shall))~~ must be distributed to cities ratably based on population as last determined by the office of financial management, but no city may receive less than one thousand dollars.

(b) The moneys deposited in the municipal criminal justice assistance account for distribution under this subsection ~~((shall))~~ (1) must be distributed at such times as distributions are made under RCW 82.44.150.

(c) Moneys distributed under this subsection ~~((shall))~~ (1) must be expended exclusively for criminal justice purposes and ~~((shall))~~ may not be used to replace or supplant existing funding. Criminal justice purposes are defined as activities that substantially assist the criminal justice system, which may include circumstances where ancillary benefit to the civil justice system occurs, and which includes domestic violence services such as those provided by domestic violence programs, community advocates, and legal advocates, as defined in RCW 70.123.020. Existing funding for purposes of this subsection is defined as calendar year 1989 actual operating expenditures for criminal justice purposes. Calendar year 1989 actual operating expenditures for criminal justice purposes exclude the following: Expenditures for extraordinary events not likely to reoccur, changes in contract provisions for criminal justice services, beyond the control of the local jurisdiction receiving the services, and major nonrecurring capital expenditures.

(2)(a) In addition to the distributions under subsection (1) of this section:

~~((a))~~ (i) Ten percent ~~((shall))~~ must be distributed on a per capita basis to cities that contract with another governmental agency for the majority of the city's law enforcement services. Cities that subsequently qualify for this distribution ~~((shall))~~ must notify the department of ~~((community, trade, and economic development))~~ commerce by November 30th for the upcoming calendar year. The department of ~~((community, trade, and economic development shall))~~ commerce must provide a list of eligible cities to the state treasurer by December 31st. The state treasurer ~~((shall))~~ must modify the distribution of these funds in the following year. Cities have the responsibility to notify the department of ~~((community, trade, and economic development))~~ commerce of any changes regarding these contractual relationships. Adjustments in the distribution formula to add or delete cities may be made only for the upcoming calendar year; no adjustments may be made retroactively.

~~((b))~~ (ii) The remaining fifty-four percent ~~((shall))~~ must be distributed to cities and towns by the state treasurer on a per capita basis. These funds ~~((shall))~~ must be used for: ~~((+))~~ (A) Innovative law enforcement strategies; ~~((+))~~ (B) programs to help at-risk children or child abuse victim response programs; and

~~((iii))~~ (C) programs designed to reduce the level of domestic violence or to provide counseling for domestic violence victims.

(b) The moneys deposited in the municipal criminal justice assistance account for distribution under this subsection (2), less any moneys appropriated for purposes under subsection (4) of this section, ~~((shall))~~ must be distributed at the times as distributions are made under RCW 82.44.150. Moneys remaining undistributed under this subsection at the end of each calendar year ~~((shall))~~ must be distributed to the criminal justice training commission to reimburse participating city law enforcement agencies with ten or fewer full-time commissioned patrol officers the cost of temporary replacement of each officer who is enrolled in basic law enforcement training, as provided in RCW 43.101.200.

(c) If a city is found by the state auditor to have expended funds received under this subsection (2) in a manner that does not comply with the criteria under which the moneys were received, the city ~~((shall be))~~ is ineligible to receive future distributions under this subsection (2) until the use of the moneys are justified to the satisfaction of the director or are repaid to the state general fund.

(3) Notwithstanding other provisions of this section, the distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), ~~((shall))~~ must be made to the county in which the city is located.

(4) Not more than five percent of the funds deposited to the municipal criminal justice assistance account ~~((shall))~~ may be available for appropriations for enhancements to the state patrol crime laboratory system and the continuing costs related to these enhancements. Funds appropriated from this account for such enhancements ~~((shall))~~ may not supplant existing funds from the state general fund.

(5) During the 2011-2013 fiscal biennium, the amount that would otherwise be transferred into the municipal criminal justice assistance account from the general fund under subsection (1) of this section must be reduced by 3.4 percent.

**Sec. 973.** RCW 82.14.390 and 2008 c 48 s 1 are each amended to read as follows:

(1) Except as provided in subsection (7) of this section, the governing body of a public facilities district (a) created before July 31, 2002, under chapter 35.57 or 36.100 RCW that commences construction of a new regional center, or improvement or rehabilitation of an existing new regional center, before January 1, 2004; (b) created before July 1, 2006, under chapter 35.57 RCW in a county or counties in which there are no other public facilities districts on June 7, 2006, and in which the total population in the public facilities district is greater than ninety thousand that commences construction of a new regional center before February 1, 2007; (c) created under the authority of RCW 35.57.010(1)(d); or (d) created before September 1, 2007, under chapter 35.57 or 36.100 RCW, in a county or counties in which there are no other public facilities districts on July 22, 2007, and in which the total population in the public facilities district is greater than seventy thousand, that commences construction of a new regional center before January 1, 2009, or before January 1, 2011, in the case of a new regional center in a county designated by the president as a disaster area in

December 2007, may impose a sales and use tax in accordance with the terms of this chapter. The tax is in addition to other taxes authorized by law and ~~((shall))~~ must be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the public facilities district. The rate of tax ~~((shall))~~ may not exceed 0.033 percent of the selling price in the case of a sales tax or value of the article used in the case of a use tax.

(2)(a) The governing body of a public facilities district imposing a sales and use tax under the authority of this section may increase the rate of tax up to 0.037 percent if, within three fiscal years of July 1, 2008, the department determines that, as a result of RCW 82.14.490 and the chapter 6, Laws of 2007 amendments to RCW 82.14.020, a public facilities district's sales and use tax collections for fiscal years after July 1, 2008, have been reduced by a net loss of at least 0.50 percent from the fiscal year before July 1, 2008. The fiscal year in which this section becomes effective is the first fiscal year after July 1, 2008.

(b) The department ~~((shall))~~ must determine sales and use tax collection net losses under this section as provided in RCW 82.14.500 (2) and (3). The department ~~((shall))~~ must provide written notice of its determinations to public facilities districts. Determinations by the department of a public facilities district's sales and use tax collection net losses as a result of RCW 82.14.490 and the chapter 6, Laws of 2007 amendments to RCW 82.14.020 are final and not appealable.

(c) A public facilities district may increase its rate of tax after it has received written notice from the department as provided in (b) of this subsection. The increase in the rate of tax must be made in 0.001 percent increments and must be the least amount necessary to mitigate the net loss in sales and use tax collections as a result of RCW 82.14.490 and the chapter 6, Laws of 2007 amendments to RCW 82.14.020. The increase in the rate of tax is subject to RCW 82.14.055.

(3) The tax imposed under subsection (1) of this section ~~((shall))~~ must be deducted from the amount of tax otherwise required to be collected or paid over to the department of revenue under chapter 82.08 or 82.12 RCW. The department of revenue ~~((shall))~~ must perform the collection of such taxes on behalf of the county at no cost to the public facilities district. During the 2011-2013 fiscal biennium, distributions by the state to a public facilities district based on the additional rate authorized in subsection (2) of this section must be reduced by 3.4 percent.

(4) No tax may be collected under this section before August 1, 2000. The tax imposed in this section ~~((shall))~~ expires when the bonds issued for the construction of the regional center and related parking facilities are retired, but not more than twenty-five years after the tax is first collected.

(5) Moneys collected under this section ~~((shall))~~ may only be used for the purposes set forth in RCW 35.57.020 and must be matched with an amount from other public or private sources equal to thirty-three percent of the amount collected under this section ~~((, provided that))~~; however, amounts generated from nonvoter approved taxes authorized under chapter 35.57 RCW or nonvoter approved taxes authorized under chapter 36.100 RCW ~~((shall))~~ do not constitute a public or private source. For the purpose of this section, public or private sources includes, but is not limited to cash or in-kind contributions used in all

phases of the development or improvement of the regional center, land that is donated and used for the siting of the regional center, cash or in-kind contributions from public or private foundations, or amounts attributed to private sector partners as part of a public and private partnership agreement negotiated by the public facilities district.

(6) The combined total tax levied under this section ~~((shall))~~ may not be greater than 0.037 percent. If both a public facilities district created under chapter 35.57 RCW and a public facilities district created under chapter 36.100 RCW impose a tax under this section, the tax imposed by a public facilities district created under chapter 35.57 RCW ~~((shall))~~ must be credited against the tax imposed by a public facilities district created under chapter 36.100 RCW.

(7) A public facilities district created under chapter 36.100 RCW is not eligible to impose the tax under this section if the legislative authority of the county where the public facilities district is located has imposed a sales and use tax under RCW 82.14.0485 or 82.14.0494.

**Sec. 974.** RCW 82.14.500 and 2007 c 6 s 903 are each amended to read as follows:

(1)(a) In order to mitigate local sales tax revenue net losses as a result of the sourcing provisions of the streamlined sales and use tax agreement under this title, the state treasurer ~~((shall)), on July 1, 2011, and each July 1st thereafter,~~ must transfer into the streamlined sales and use tax mitigation account from the general fund ~~((the sum of thirty-one million six hundred thousand dollars on July 1, 2008. On July 1, 2009, and each July 1st thereafter, the state treasurer shall transfer into the streamlined sales and use tax mitigation account from the general fund))~~ the sum required to mitigate actual net losses as determined under this section.

(b) During the 2011-2013 fiscal biennium, the amount that would otherwise be transferred under (a) of this subsection must be reduced by 3.4 percent.

(2) Beginning July 1, 2008, and continuing until the department determines annual losses under subsection (3) of this section, the department ~~((shall))~~ must determine the amount of local sales tax net loss each local taxing jurisdiction experiences as a result of the sourcing provisions of the streamlined sales and use tax agreement under this title each calendar quarter. The department ~~((shall))~~ must determine losses by analyzing and comparing data from tax return information and tax collections for each local taxing jurisdiction before and after July 1, 2008, on a calendar quarter basis. The department's analysis may be revised and supplemented in consultation with the oversight committee as provided in subsection (4) of this section. To determine net losses, the department ~~((shall))~~ must reduce losses by the amount of voluntary compliance revenue for the calendar quarter analyzed. Beginning December 31, 2008, distributions ~~((shall))~~ must be made quarterly from the streamlined sales and use tax mitigation account by the state treasurer, as directed by the department, to each local taxing jurisdiction, other than public facilities districts for losses in respect to taxes imposed under the authority of RCW 82.14.390, in an amount representing its net losses for the previous calendar quarter. Distributions ~~((shall))~~ must be made on the last working day of each calendar quarter and ~~((shall))~~ must cease when distributions under subsection (3) of this section begin.

(3)(a) By December 31, 2009, or such later date the department in consultation with the oversight committee determines that sufficient data is available, the department ~~((shall))~~ must determine each local taxing jurisdiction's annual loss. The department ~~((shall))~~ must determine annual losses by comparing at least twelve months of data from tax return information and tax collections for each local taxing jurisdiction before and after July 1, 2008. The department ~~((shall))~~ is not ((be)) required to determine annual losses on a recurring basis, but may make any adjustments to annual losses as it deems proper as a result of the annual reviews provided in (b) of this subsection. Beginning the calendar quarter in which the department determines annual losses, and each calendar quarter thereafter, distributions ~~((shall))~~ must be made from the streamlined sales and use tax mitigation account by the state treasurer on the last working day of the calendar quarter, as directed by the department, to each local taxing jurisdiction, other than public facilities districts for losses in respect to taxes imposed under the authority of RCW 82.14.390, in an amount representing one-fourth of the jurisdiction's annual loss reduced by voluntary compliance revenue reported during the previous calendar quarter.

(b) The department's analysis of annual losses ~~((shall))~~ must be reviewed by December 1st of each year and may be revised and supplemented in consultation with the oversight committee as provided in subsection (4) of this section.

(4) The department ~~((shall))~~ must convene an oversight committee to assist in the determination of losses. The committee ~~((shall))~~ includes one representative of one city whose revenues are increased, one representative of one city whose revenues are reduced, one representative of one county whose revenues are increased, one representative of one county whose revenues are decreased, one representative of one transportation authority under RCW 82.14.045 whose revenues are increased, and one representative of one transportation authority under RCW 82.14.045 whose revenues are reduced, as a result of RCW 82.14.490 and the chapter 6, Laws of 2007 amendments to RCW 82.14.020. Beginning July 1, 2008, the oversight committee ~~((shall))~~ must meet quarterly with the department to review and provide additional input and direction on the department's analyses of losses. Local taxing jurisdictions may also present to the oversight committee additional information to improve the department's analyses of the jurisdiction's loss. Beginning January 1, 2010, the oversight committee ~~((shall))~~ must meet at least annually with the department by December 1st.

(5) The rule-making provisions of chapter 34.05 RCW do not apply to this section.

**Sec. 975.** RCW 82.45.060 and 2005 c 450 s 1 are each amended to read as follows:

There is imposed an excise tax upon each sale of real property at the rate of one and twenty-eight one-hundredths percent of the selling price. An amount equal to six and one-tenth percent of the proceeds of this tax to the state treasurer ~~((shall))~~ must be deposited in the public works assistance account created in RCW 43.155.050. Except as otherwise provided in this section, an amount equal to one and six-tenths percent of the proceeds of this tax to the state treasurer ~~((shall))~~ must be deposited in the city-county assistance account created in RCW 43.08.290. During the 2011-2013 fiscal biennium, 1.546

percent of the proceeds of this tax to the state treasurer must be deposited in the city-county assistance account.

**Sec. 976.** RCW 86.26.007 and 2009 c 564 s 961 are each amended to read as follows:

The flood control assistance account is hereby established in the state treasury. At the beginning of the 2005-2007 fiscal biennium, the state treasurer shall transfer three million dollars from the general fund to the flood control assistance account. Each biennium thereafter the state treasurer shall transfer four million dollars from the general fund to the flood control assistance account, except that during the 2009-2011 and 2011-2013 fiscal ~~((biennium))~~ biennia, the state treasurer shall transfer two million dollars from the general fund to the flood control assistance account. Moneys in the flood control assistance account may be spent only after appropriation for purposes specified under this chapter.

**Sec. 977.** RCW 90.71.370 and 2010 1st sp.s. c 36 s 6013 are each amended to read as follows:

(1) By December 1, 2008, and by September 1st of each even-numbered year beginning in 2010, the council shall provide to the governor and the appropriate fiscal committees of the senate and house of representatives its recommendations for the funding necessary to implement the action agenda in the succeeding biennium. The recommendations shall:

- (a) Identify the funding needed by action agenda element;
- (b) Address funding responsibilities among local, state, and federal governments, as well as nongovernmental funding; and
- (c) Address funding needed to support the work of the partnership, the panel, the ecosystem work group, and entities assisting in coordinating local efforts to implement the plan.

(2) In the 2008 report required under subsection (1) of this section, the council shall include recommendations for projected funding needed through 2020 to implement the action agenda; funding needs for science panel staff; identify methods to secure stable and sufficient funding to meet these needs; and include proposals for new sources of funding to be dedicated to Puget Sound protection and recovery. In preparing the science panel staffing proposal, the council shall consult with the panel.

(3) By November 1st of each odd-numbered year beginning in 2009, the council shall produce a state of the Sound report that includes, at a minimum:

- (a) An assessment of progress by state and nonstate entities in implementing the action agenda, including accomplishments in the use of state funds for action agenda implementation;
- (b) A description of actions by implementing entities that are inconsistent with the action agenda and steps taken to remedy the inconsistency;
- (c) The comments by the panel on progress in implementing the plan, as well as findings arising from the assessment and monitoring program;
- (d) A review of citizen concerns provided to the partnership and the disposition of those concerns;
- (e) A review of the expenditures of funds to state agencies for the implementation of programs affecting the protection and recovery of Puget

Sound, and an assessment of whether the use of the funds is consistent with the action agenda; and

(f) An identification of all funds provided to the partnership, and recommendations as to how future state expenditures for all entities, including the partnership, could better match the priorities of the action agenda.

(4)(a) The council shall review state programs that fund facilities and activities that may contribute to action agenda implementation. By November 1, 2009, the council shall provide initial recommendations regarding program changes to the governor and appropriate fiscal and policy committees of the senate and house of representatives. By November 1, 2010, the council shall provide final recommendations regarding program changes, including proposed legislation to implement the recommendation, to the governor and appropriate fiscal and policy committees of the senate and house of representatives.

(b) The review in this subsection shall be conducted with the active assistance and collaboration of the agencies administering these programs, and in consultation with local governments and other entities receiving funding from these programs:

- (i) Water pollution control facilities financing, chapter 70.146 RCW;
- (ii) The water pollution control revolving fund, chapter 90.50A RCW;
- (iii) The public works assistance account, chapter 43.155 RCW;
- (iv) The aquatic lands enhancement account, RCW 79.105.150;
- (v) The state toxics control account and local toxics control account and clean-up program, chapter 70.105D RCW;
- (vi) The acquisition of habitat conservation and outdoor recreation land, chapter 79A.15 RCW;
- (vii) The salmon recovery funding board, RCW 77.85.110 through 77.85.150;
- (viii) The community economic revitalization board, chapter 43.160 RCW;
- (ix) Other state financial assistance to water quality-related projects and activities; and
- (x) Water quality financial assistance from federal programs administered through state programs or provided directly to local governments in the Puget Sound basin.

(c) The council's review shall include but not be limited to:

(i) Determining the level of funding and types of projects and activities funded through the programs that contribute to implementation of the action agenda;

(ii) Evaluating the procedures and criteria in each program for determining which projects and activities to fund, and their relationship to the goals and priorities of the action agenda;

(iii) Assessing methods for ensuring that the goals and priorities of the action agenda are given priority when program funding decisions are made regarding water quality-related projects and activities in the Puget Sound basin and habitat-related projects and activities in the Puget Sound basin;

(iv) Modifying funding criteria so that projects, programs, and activities that are inconsistent with the action agenda are ineligible for funding;

(v) Assessing ways to incorporate a strategic funding approach for the action agenda within the outcome-focused performance measures required by



RCW 43.41.270 in administering natural resource-related and environmentally based grant and loan programs.

(5) During the 2009-2011 fiscal biennium, the council's review must result in a ranking of projects affecting the protection and recovery of the Puget Sound basin that are proposed in the governor's capital budget submitted under RCW 43.88.060. The ranking shall include recommendations for reallocation of total requested funds for Puget Sound basin projects to achieve the greatest positive outcomes for protection and recovery of Puget Sound and shall be submitted to the appropriate fiscal committees of the legislature no later than February 1, 2011.

(6) During the 2011-2013 fiscal biennium, the council shall by November 1, 2012, produce the state of the sound report as defined in subsection (3) of this section.

***\*NEW SECTION. Sec. 978. BUDGET SUSTAINABILITY. The full disclosure of the long-term fiscal impacts of budget proposals under consideration by the legislature will improve the informed participation in the budget process of the citizens of the state and their legislators and contribute to the sustainable use of the state's limited fiscal resources. For each proposed omnibus operating appropriations bill reported by a legislative fiscal committee or approved by either house of the legislature during the 2012 and 2013 legislative sessions, the relevant fiscal committee shall provide a public report that documents the policy-level proposals in the bill and the cost of each proposal in the current fiscal biennium and the estimated cost in the next ensuing fiscal biennium. This information shall also be provided by the governor for each proposed omnibus operating appropriations bill submitted to the legislature by the governor for the 2012 and 2013 legislative sessions.***

\*Sec. 978 was vetoed. See message at end of chapter.

**PART X  
GENERAL GOVERNMENT**

**Sec. 1001.** 2010 2nd sp.s. c 1 s 101 (uncodified) is amended to read as follows:

**FOR THE HOUSE OF REPRESENTATIVES**

General Fund—State Appropriation (FY 2010) . . . . .	\$33,505,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$30,934,000)</del>
	<u>\$30,918,000</u>
TOTAL APPROPRIATION . . . . .	<del>(\$64,439,000)</del>
	<u>\$64,423,000</u>

**Sec. 1002.** 2010 2nd sp.s. c 1 s 102 (uncodified) is amended to read as follows:

**FOR THE SENATE**

General Fund—State Appropriation (FY 2010) . . . . .	\$24,960,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$24,020,000)</del>
	<u>\$24,008,000</u>
TOTAL APPROPRIATION . . . . .	<del>(\$48,980,000)</del>
	<u>\$48,968,000</u>

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**Sec. 1003.** 2010 2nd sp.s. c 1 s 106 (uncodified) is amended to read as follows:

**FOR THE SUPREME COURT**

General Fund—State Appropriation (FY 2010) . . . . .	\$6,912,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$6,844,000)</del>
	<u>\$6,924,000</u>
TOTAL APPROPRIATION . . . . .	<del>(\$13,756,000)</del>
	<u>\$13,836,000</u>

The appropriations in this section are subject to the following conditions and limitations: It is the intent of the legislature that the reductions in appropriations in this section shall be achieved, to the greatest extent possible, by reducing those state government administrative costs that do not affect direct client services or direct service delivery or programs. The agency shall, to the greatest extent possible, reduce spending in those areas that shall have the least impact on implementing its mission.

**Sec. 1004.** 2010 2nd sp.s. c 1 s 107 (uncodified) is amended to read as follows:

**FOR THE LAW LIBRARY**

General Fund—State Appropriation (FY 2010) . . . . .	\$1,925,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$1,592,000)</del>
	<u>\$1,596,000</u>
TOTAL APPROPRIATION . . . . .	<del>(\$3,517,000)</del>
	<u>\$3,521,000</u>

The appropriations in this section are subject to the following conditions and limitations: It is the intent of the legislature that the reductions in appropriations in this section shall be achieved, to the greatest extent possible, by reducing those state government administrative costs that do not affect direct client services or direct service delivery or programs. The agency shall, to the greatest extent possible, reduce spending in those areas that shall have the least impact on implementing its mission.

**Sec. 1005.** 2010 2nd sp.s. c 1 s 108 (uncodified) is amended to read as follows:

**FOR THE COURT OF APPEALS**

General Fund—State Appropriation (FY 2010) . . . . .	\$15,632,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$15,517,000)</del>
	<u>\$15,593,000</u>
TOTAL APPROPRIATION . . . . .	<del>(\$31,149,000)</del>
	<u>\$31,225,000</u>

The appropriations in this section are subject to the following conditions and limitations: It is the intent of the legislature that the reductions in appropriations in this section shall be achieved, to the greatest extent possible, by reducing those state government administrative costs that do not affect direct client services or direct service delivery or programs. The agency shall, to the greatest extent possible, reduce spending in those areas that shall have the least impact on implementing its mission.

**Sec. 1006.** 2011 c 5 s 106 (uncodified) is amended to read as follows:

**FOR THE ADMINISTRATOR FOR THE COURTS**

General Fund—State Appropriation (FY 2010) . . . . .	\$52,644,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$49,260,000)</del>
	<u>\$49,196,000</u>
General Fund—Federal Appropriation . . . . .	\$979,000
Judicial Information Systems Account—State	
Appropriation . . . . .	<del>(\$33,406,000)</del>
	<u>\$31,407,000</u>
Judicial Stabilization Trust Account—State	
Appropriation . . . . .	\$6,598,000
TOTAL APPROPRIATION . . . . .	<del>(\$142,887,000)</del>
	<u>\$140,824,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,800,000 of the general fund—state appropriation for fiscal year 2010 and \$1,387,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for school districts for petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. The office of the administrator for the courts shall develop an interagency agreement with the superintendent of public instruction to allocate the funding provided in this subsection. Allocation of this money to school districts shall be based on the number of petitions filed. This funding includes amounts school districts may expend on the cost of serving petitions filed under RCW 28A.225.030 by certified mail or by personal service or for the performance of service of process for any hearing associated with RCW 28A.225.030. Absences from school occurring in the months of May and June 2011 do not count towards the number of absences allowed under RCW 28A.225.030. Reductions in appropriations in this section reflect reduced workload associated with filing petitions generated through absences occurring in May and June.

(2)(a) \$8,252,000 of the general fund—state appropriation for fiscal year 2010 and \$7,534,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(b) Each fiscal year during the 2009-11 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than 45 days after the end of the fiscal year. The administrator for the courts shall electronically transmit this information to the chairs and ranking minority members of the house of representatives appropriations committee and the senate ways and means committee no later than 60 days after a fiscal year ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(3) The distributions made under this subsection and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(4) \$5,700,000 of the judicial information systems account—state appropriation is provided solely for modernization and integration of the judicial information system.

(a) Of this amount, \$1,700,000 is for the development of a comprehensive enterprise-level information technology strategy and detailed business and operational plans in support of that strategy, and \$4,000,000 is to continue to modernize and integrate current systems and enhance case management functionality on an incremental basis.

(b) The amount provided in this subsection may not be expended without prior approval by the judicial information system committee. The administrator shall regularly submit project plan updates for approval to the judicial information system committee.

(c) The judicial information system committee shall review project progress on a regular basis and may require quality assurance plans. The judicial information systems committee shall provide a report to the appropriate committees of the legislature no later than November 1, 2011, on the status of the judicial information system modernization and integration, and the consistency of the project with the state's architecture, infrastructure and statewide enterprise view of service delivery.

(d) \$100,000 of the judicial information systems account—state appropriation is provided solely for the administrative office of the courts, in coordination with the judicial information system committee, to conduct an independent third-party executive-level review of the judicial information system. This review shall examine, at a minimum, the scope of the current project plan, governance structure, and organizational change management procedures. The review will also benchmark the system plans against similarly sized projects in other states or localities, review the large scale program risks, and estimate life cycle costs, including capital and on-going operational expenditures.

(5) \$3,000,000 of the judicial information systems account—state appropriation is provided solely for replacing computer equipment at state courts, and at state judicial agencies. The administrator for the courts shall prioritize equipment replacement purchasing and shall fund those items that are most essential or critical. By October 1, 2010, the administrative office of the courts shall report to the appropriate legislative fiscal committees on expenditures for equipment under this subsection.

(6) \$12,000 of the judicial information systems account—state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1954 (sealing juvenile records). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(7) ~~(\$106,000 of the general fund—state appropriation for fiscal year 2010 and \$106,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for the twenty-third superior court judge position in Pierce county. The funds appropriated in this subsection shall be expended only if the judge is appointed and serving on the bench.~~

~~(8))~~ It is the intent of the legislature that the reductions in appropriations in this section shall be achieved, to the greatest extent possible, by reducing those state government administrative costs that do not affect direct client services or direct service delivery or programs. The agency shall, to the greatest extent possible, reduce spending in those areas that shall have the least impact on implementing its mission.

~~((9))~~ (8) \$44,000 of the judicial information systems account—state appropriation is provided solely to implement chapter 272, Laws of 2010 (SHB 2680; guardianship).

~~((10))~~ (9) \$274,000 of the general fund—state appropriation for fiscal year 2011 is provided solely for the office of public guardianship to provide guardianship services for low-income incapacitated persons.

~~((11))~~ (10) \$3,797,000 of the judicial information systems account—state appropriation is provided solely for continued planning and implementation of improvements to the court case management system.

~~((12))~~ (11) In accordance with RCW 43.135.055, the administrative office of the courts is authorized to adopt and increase the fees set forth in and previously authorized in section 6, chapter 491, Laws of 2009.

**Sec. 1007.** 2011 c 5 s 107 (uncodified) is amended to read as follows:

**FOR THE SECRETARY OF STATE**

General Fund—State Appropriation (FY 2010) . . . . .	\$21,105,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$13,612,000)</del>
	<u>\$14,727,000</u>
General Fund—Federal Appropriation . . . . .	\$8,082,000
Archives and Records Management Account—State Appropriation . . . . .	\$8,990,000
Charitable Organization Education Account—State Appropriation . . . . .	\$76,000
Department of Personnel Service Account—State Appropriation . . . . .	\$757,000
Election Account—State Appropriation . . . . .	\$77,000
Local Government Archives Account—State Appropriation . . . . .	\$11,515,000
Election Account—Federal Appropriation . . . . .	\$31,163,000
TOTAL APPROPRIATION . . . . .	<del>(\$95,377,000)</del>
	<u>\$96,492,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,101,000 of the general fund—state appropriation for fiscal year 2010 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.

(2)(a) \$1,897,000 of the general fund—state appropriation for fiscal year 2010 and \$1,845,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2009-2011 biennium. The funding

level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a contract with the nonprofit organization to provide public affairs coverage.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(3) The appropriations in this section are based upon savings assumed from the implementation of Senate Bill No. 6122 (election costs).

(4) In implementing budget reductions, the office of the secretary of state must make its first priority to maintain funding for the elections division.

(5) \$76,000 of the charitable organization education account—state appropriation for fiscal year 2011 is provided solely to implement Second Substitute House Bill No. 2576 (corporation and charity fees). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

(6) \$77,000 of the general fund—state appropriation for fiscal year 2011 is provided solely for deposit to the election account.

**Sec. 1008.** 2011 c 5 s 108 (uncodified) is amended to read as follows:

**FOR THE PUBLIC DISCLOSURE COMMISSION**

General Fund—State Appropriation (FY 2010) . . . . .	\$2,249,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$1,969,000)</del>
	<u>\$1,967,000</u>
TOTAL APPROPRIATION . . . . .	<del>(\$4,218,000)</del>
	<u>\$4,216,000</u>

**Sec. 1009.** 2011 c 5 s 113 (uncodified) is amended to read as follows:

**FOR THE ATTORNEY GENERAL**

General Fund—State Appropriation (FY 2010) . . . . .	\$5,732,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$5,272,000)</del>
	<u>\$5,268,000</u>
General Fund—Federal Appropriation . . . . .	\$4,026,000

New Motor Vehicle Arbitration Account—State	
Appropriation. . . . .	\$1,350,000
Legal Services Revolving Account—State	
Appropriation. . . . .	<del>(\$224,523,000)</del>
	<u>\$225,910,000</u>
Tobacco Prevention and Control Account—State	
Appropriation. . . . .	\$270,000
TOTAL APPROPRIATION . . . . .	<del>(\$241,173,000)</del>
	<u>\$242,556,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year. As part of its by agency report to the legislative fiscal committees and the office of financial management, the office of the attorney general shall include information detailing the agency's expenditures for its agency-wide overhead and a breakdown by division of division administration expenses.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on ways and means.

(3) The office of the attorney general is authorized to expend \$2,100,000 from the Zyprexa and other cy pres awards towards consumer protection costs in accordance with uses authorized in the court orders.

(4) The attorney general shall annually report to the fiscal committees of the legislature all new cy pres awards and settlements and all new accounts, disclosing their intended uses, balances, the nature of the claim or account, proposals, and intended timeframes for the expenditure of each amount. The report shall be distributed electronically and posted on the attorney general's web site. The report shall not be printed on paper or distributed physically.

(5) The executive ethics board must produce a report by the end of the calendar year for the legislature regarding performance measures on the efficiency and effectiveness of the board, as well as on performance measures to measure and monitor the ethics and integrity of all state agencies.

(6) \$53,000 of the legal services revolving account—state appropriation is provided solely to implement Engrossed Second Substitute House Bill No. 3026 (school district compliance with state and federal civil rights laws).

**Sec. 1010.** 2011 c 5 s 114 (uncodified) is amended to read as follows:

**FOR THE CASELOAD FORECAST COUNCIL**

General Fund—State Appropriation (FY 2010) . . . . .	\$766,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$660,000)</del>
	<u>\$658,000</u>
TOTAL APPROPRIATION . . . . .	<del>(\$1,426,000)</del>
	<u>\$1,424,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$13,000 of the general fund—state appropriation for fiscal year 2010 and \$7,000 of the general fund—state appropriation for fiscal year 2011 are for the implementation of Second Substitute House Bill No. 2106 (improving child welfare outcomes through the phased implementation of strategic and proven reforms). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

Sec. 1011. 2011 c 5 s 115 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

General Fund—State Appropriation (FY 2010) . . . . .	\$49,670,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$36,739,000)</del>
	<u>\$36,710,000</u>
General Fund—Federal Appropriation . . . . .	\$385,601,000
General Fund—Private/Local Appropriation . . . . .	\$10,972,000
Public Works Assistance Account—State	
Appropriation . . . . .	\$2,974,000
Tourism Development and Promotion Account—State	
Appropriation . . . . .	\$798,000
Drinking Water Assistance Administrative	
Account—State Appropriation . . . . .	\$433,000
Lead Paint Account—State Appropriation . . . . .	\$35,000
Building Code Council Account—State Appropriation . . . . .	\$688,000
Home Security Fund Account—State Appropriation . . . . .	\$24,486,000
Affordable Housing for All Account—State	
Appropriation . . . . .	\$11,896,000
Washington Auto Theft Prevention Authority	
Account—State Appropriation . . . . .	\$300,000
Independent Youth Housing Account—State Appropriation . . . . .	\$220,000
County Research Services Account—State Appropriation . . . . .	\$469,000
Community Preservation and Development Authority	
Account—State Appropriation . . . . .	\$350,000
Financial Fraud and Identity Theft Crimes Investigation	
and Prosecution Account—State Appropriation . . . . .	\$1,166,000
Low-Income Weatherization Assistance Account—State	
Appropriation . . . . .	\$6,882,000
City and Town Research Services Account—State	
Appropriation . . . . .	\$2,246,000
Manufacturing Innovation and Modernization	
Account—State Appropriation . . . . .	\$230,000
Community and Economic Development Fee Account—State	
Appropriation . . . . .	\$6,922,000
Washington Housing Trust Account—State	
Appropriation . . . . .	\$15,348,000
Prostitution Prevention and Intervention Account—	
State Appropriation . . . . .	\$125,000
Public Facility Construction Loan Revolving	
Account—State Appropriation . . . . .	\$754,000



TOTAL APPROPRIATION . . . . .((~~\$559,304,000~~)  
\$559,275,000)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,378,000 of the general fund—state appropriation for fiscal year 2010 and \$2,117,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for a contract with the Washington technology center for work essential to the mission of the Washington technology center and conducted in partnership with universities.

(2) Repayments of outstanding loans granted under RCW 43.63A.600, the mortgage and rental assistance program, shall be remitted to the department, including any current revolving account balances. The department shall collect payments on outstanding loans, and deposit them into the state general fund. Repayments of funds owed under the program shall be remitted to the department according to the terms included in the original loan agreements.

(3) \$100,000 of the general fund—state appropriation for fiscal year 2010 and \$89,000 of the general fund—state appropriation for fiscal year 2011 are provided solely to implement section 2(7) of Engrossed Substitute House Bill No. 1959 (land use and transportation planning for marine container ports).

(4) \$102,000 of the building code council account—state appropriation is provided solely for the implementation of sections 3 and 7 of Engrossed Second Substitute Senate Bill No. 5854 (built environment pollution). If sections 3 and 7 of the bill are not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(5)(a) \$10,500,000 of the general fund—federal appropriation is provided for training and technical assistance associated with low income weatherization programs. Subject to federal requirements, the department shall provide: (i) Up to \$4,000,000 to the state board for community and technical colleges to provide workforce training related to weatherization and energy efficiency; (ii) up to \$3,000,000 to the Bellingham opportunity council to provide workforce training related to energy efficiency and weatherization; and (iii) up to \$3,500,000 to community-based organizations and to community action agencies consistent with the provisions of Engrossed Second Substitute House Bill No. 2227 (evergreen jobs act). Any funding remaining shall be expended in project 91000013, weatherization, in the omnibus capital appropriations act, Substitute House Bill No. 1216 (capital budget).

(b) \$6,787,000 of the general fund—federal appropriation is provided solely for the state energy program, including not less than \$5,000,000 to provide credit enhancements consistent with the provisions of Engrossed Second Substitute Senate Bill No. 5649 (energy efficiency in buildings).

(c) Of the general fund—federal appropriation the department shall provide: \$14,500,000 to the Washington State University for the purpose of making grants for pilot projects providing community-wide urban, residential, and commercial energy efficiency upgrades consistent with the provisions of Engrossed Second Substitute Senate Bill No. 5649 (energy efficiency in buildings); \$500,000 to Washington State University to conduct farm energy assessments. In contracting with the Washington State University for the provision of these services, the total administration of Washington State

University and the department shall not exceed 3 percent of the amounts provided.

~~(d) ((\$38,500,000 of the general fund—federal appropriation is provided for deposit in the energy recovery act account to establish a revolving loan program, consistent with the provisions of Engrossed Substitute House Bill No. 2289 (expanding energy freedom program).~~

~~(e))~~ \$10,646,000 of the general fund—federal appropriation is provided pursuant to the energy efficiency and conservation block grant under the American reinvestment and recovery act. The department may use up to \$3,000,000 of the amount provided in this subsection to provide technical assistance for energy programs administered by the agency under the American reinvestment and recovery act.

(6) \$14,000 of the general fund—state appropriation for fiscal year 2010 is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5560 (state agency climate leadership). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(7) \$22,400,000 of the general fund—federal appropriation is provided solely for the justice assistance grant program and is contingent upon the department transferring: \$1,200,000 to the department of corrections for security threat mitigation, \$2,336,000 to the department of corrections for offender reentry, \$1,960,000 to the Washington state patrol for law enforcement activities, \$2,087,000 to the department of social and health services, division of alcohol and substance abuse for drug courts, and \$428,000 to the department of social and health services for sex abuse recognition training. The remaining funds shall be distributed by the department to local jurisdictions.

(8) \$20,000 of the general fund—state appropriation for fiscal year 2010 and \$18,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for a grant to KCTS public television to support Spanish language programming and the V-me Spanish language channel.

(9) \$500,000 of the general fund—state appropriation for fiscal year 2010 and \$447,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for a grant to resolution Washington to building statewide capacity for alternative dispute resolution centers and dispute resolution programs that guarantee that citizens have access to low-cost resolution as an alternative to litigation.

(10) \$30,000 of the general fund—state appropriation for fiscal year 2010 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 6015 (commercialization of technology). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(11) By June 30, 2011, the department shall request information that describes what jurisdictions have adopted, or are in the process of adopting, plans that address RCW 36.70A.020 and helps achieve the greenhouse gas emission reductions established in RCW 70.235.020. This information request in this subsection applies to jurisdictions that are required to review and if necessary revise their comprehensive plans in accordance with RCW 36.70A.130.

(12) During the 2009-11 fiscal biennium, the department shall allot all of its appropriations subject to allotment by object, account, and expenditure authority code to conform with the office of financial management's definition of an

option 2 allotment. For those funds subject to allotment but not appropriation, the agency shall submit option 2 allotments to the office of financial management.

(13) \$50,000 of the general fund—state appropriation for fiscal year 2010 and \$35,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for a grant for the state's participation in the Pacific Northwest economic region.

(14) \$712,000 of the general fund—state appropriation for fiscal year 2010 and \$559,000 of the general fund—state appropriation for fiscal year 2011 are provided solely to the office of crime victims advocacy. These funds shall be contracted with the 39 county prosecuting attorneys' offices to support victim-witness services. The funds must be prioritized to ensure a full-time victim-witness coordinator in each county. The office may retain only the amount currently allocated for this activity for administrative costs.

(15) \$306,000 of the general fund—state appropriation for fiscal year 2010 and \$274,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for a grant to the retired senior volunteer program.

(16) \$65,000 of the general fund—state appropriation for fiscal year 2010 is provided solely for a contract with a food distribution program for communities in the southwestern portion of the state and for workers impacted by timber and salmon fishing closures and reductions. The department may not charge administrative overhead or expenses to the funds provided in this subsection.

(17) \$371,000 of the general fund—state appropriation for fiscal year 2010 and \$290,000 of the general fund—state appropriation for fiscal year 2011 are provided solely to the northwest agriculture business center.

(18) The department shall administer its growth management act technical assistance so that smaller cities receive proportionately more assistance than larger cities or counties.

(19) \$212,000 of the general fund—federal appropriation is provided solely for implementation of Second Substitute House Bill No. 1172 (development rights transfer). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(20) \$69,000 of the general fund—state appropriation for fiscal year 2010 and \$60,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for implementation of Engrossed Second Substitute House Bill No. 2227 (evergreen jobs act). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(21) \$350,000 of the community development and preservation authority account—state appropriation is provided solely for a grant to a community development authority established under chapter 43.167 RCW. The community preservation and development's board of directors may contract with nonprofit community organizations to aid in mitigating the effects of increased public impact on urban neighborhoods due to events in stadia that have a capacity of over 50,000 spectators.

(22) \$300,000 of the Washington auto theft prevention authority account—state appropriation is provided solely for a contract with a community group to build local community capacity and economic development within the state by strengthening political relationships between economically distressed communities and governmental institutions. The community group shall

identify opportunities for collaboration and initiate activities and events that bring community organizations, local governments, and state agencies together to address the impacts of poverty, political disenfranchisement, and economic inequality on communities of color. These funds must be matched by other nonstate sources on an equal basis.

(23) \$1,800,000 of the home security fund—state appropriation is provided for transitional housing assistance or partial payments for rental assistance under the independent youth housing program.

(24) \$5,000,000 of the home security fund—state appropriation is provided solely for the operation, repair, and staffing of shelters in the homeless family shelter program.

(25) \$253,000 of the general fund—state appropriation for fiscal year 2010 and \$253,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for the Washington new Americans program.

(26) \$438,000 of the general fund—state appropriation for fiscal year 2010 and \$394,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for the Washington asset building coalitions.

(27) \$3,231,000 of the general fund—state appropriation for fiscal year 2010 and \$2,953,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for associate development organizations.

(28) \$5,400,000 of the community and economic development fee account is provided as follows: \$1,000,000 is provided solely for the department of commerce for services for homeless families through the Washington families fund; \$2,600,000 is provided solely for housing trust fund operations and maintenance; \$800,000 is provided solely for housing trust fund portfolio management; \$500,000 is provided solely for foreclosure counseling and support; and \$500,000 is provided solely for use as a reserve in the account.

(29) \$237,000 of the general fund—state appropriation for fiscal year 2011 is provided solely for the department to administer a competitive grant program to fund economic development activities designed to further regional cluster growth and to integrate its sector-based and cluster-based strategies with its support for the development of innovation partnership zones. Grant recipients must provide matching funds equal to the size of the grant. Grants may be awarded to support the formation of sector associations or cluster associations, the identification of the technology and commercialization needs of a sector or cluster, facilitating working relationships between a sector association or cluster association and an innovation partnership zone, expanding the operations of an innovation partnership zone, and developing and implementing plans to meet the technology development and commercialization needs of industry sectors, industry clusters, and innovation partnership zones. The projects receiving grants must not duplicate the purpose or efforts of industry skill panels but priority must be given to applicants that complement industry skill panels and will use the grant funds to build linkages and joint projects.

(30) \$62,000 of the general fund—state appropriation for fiscal year 2011 is provided solely to:

(a) Develop a rural manufacturer export outreach program in conjunction with impact Washington. The program must provide outreach services to rural manufacturers in Washington to inform them of the importance of and

opportunities in international trade, and to inform them of the export assistance programs available to assist these businesses to become exporters; and

(b) Develop export loan or loan guarantee programs in conjunction with the Washington economic development finance authority and the appropriate federal and private entities.

(31) \$750,000 of the general fund—state appropriation for fiscal year 2011 is provided solely to implement the provisions of chapter 13, Laws of 2010 (global health program).

(32) \$50,000 of the general fund—state appropriation for fiscal year 2011 is provided solely for the creation of the Washington entrepreneurial development and small business reference service in the department of commerce.

(a) The department must:

(i) In conjunction with and drawing on information compiled by the work force training and education coordinating board and the Washington economic development commission:

(A) Establish and maintain an inventory of the public and private entrepreneurial training and technical assistance services, programs, and resources available in the state;

(B) Disseminate information about available entrepreneurial development and small business assistance services, programs, and resources via in-person presentations and electronic and printed materials and undertake other activities to raise awareness of entrepreneurial training and small business assistance offerings; and

(C) Evaluate the extent to which existing entrepreneurial training and technical assistance programs in the state are effective and represent a consistent, integrated approach to meeting the needs of start-up and existing entrepreneurs;

(ii) Assist providers of entrepreneurial development and small business assistance services in applying for federal and private funding to support the entrepreneurial development and small business assistance activities in the state;

(iii) Distribute awards for excellence in entrepreneurial training and small business assistance; and

(iv) Report to the governor, the economic development commission, the work force training and education coordinating board, and the appropriate legislative committees its recommendations for statutory changes necessary to enhance operational efficiencies or enhance coordination related to entrepreneurial development and small business assistance.

(b) In carrying out the duties under this section, the department must seek the advice of small business owners and advocates, the Washington economic development commission, the work force training and education coordinating board, the state board for community and technical colleges, the employment security department, the Washington state microenterprise association, associate development organizations, impact Washington, the Washington quality award council, the Washington technology center, the small business export finance assistance center, the Spokane intercollegiate research and technology institute, representatives of the University of Washington business school and the Washington State University college of business and economics, the office of minority and women's business enterprises, the Washington economic

development finance authority, and staff from small business development centers.

(c) The director may appoint an advisory board or convene such other individuals or groups as he or she deems appropriate to assist in carrying out the department's duties under this section.

(33) \$45,000 of the general fund—state appropriation for fiscal year 2011 is provided solely for a grant to HistoryLink.

Sec. 1012. 2010 2nd sp.s. c 1 s 116 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

General Fund—State Appropriation (FY 2010) . . . . .	\$21,089,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$18,285,000)</del>
	<u>\$17,996,000</u>
General Fund—Federal Appropriation . . . . .	\$27,103,000
General Fund—Private/Local Appropriation . . . . .	\$1,270,000
State Auditing Services Revolving	
Account—State Appropriation . . . . .	\$25,000
Economic Development Strategic Reserve Account—	
State Appropriation . . . . .	\$278,000
TOTAL APPROPRIATION . . . . .	<del>(\$68,050,000)</del>
	<u>\$67,761,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$188,000 of the general fund—state appropriation for fiscal year 2010 is provided solely for the implementation of Second Substitute Senate Bill No. 5945 (Washington health partnership plan). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(2) The office of financial management shall conduct a study on alternatives for consolidating or transferring activities and responsibilities of the state lottery commission, state horse racing commission, state liquor control board, and the state gambling commission to achieve cost savings and regulatory efficiencies. In conducting the study, the office of financial management shall consult with the legislative fiscal committees. Further, the office of financial management shall establish an advisory group to include, but not be limited to, representatives of affected businesses, state agencies or entities, local governments, and stakeholder groups. The office of financial management shall submit a final report to the governor and the legislative fiscal committees by November 15, 2009.

(3) \$110,000 of the general fund—state appropriation for fiscal year 2011 is provided solely to implement Second Substitute Senate Bill No. 6578 (multiagency permitting teams). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

(4) The office of financial management shall, with the assistance of the natural resources cabinet as created in executive order 09-07, reduce the number of facilities being leased by the state by consolidating, wherever possible, regional offices and storage facilities of the natural resource agencies. The office of financial management and the natural resources cabinet shall submit a

report on the progress of this effort and the associated savings to the appropriate fiscal committees of the legislature no later than December 1, 2010.

(5)(a) \$50,000 of the general fund—state appropriation for fiscal year 2010 and \$150,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for the purposes of the office of financial management:

(i) Conducting a technical and financial analysis of the state's plan for the consolidated state data center and office building; and

(ii) Developing a strategic business plan outlining the various options for use of the site that maximize taxpayer value consistent with the terms of the finance lease and related agreements.

(b) The analysis required in (a)(i) of this subsection must consist of, at a minimum, an assessment of the following issues:

(i) The total capital and operational costs for the proposed data center and office building;

(ii) The occupancy rate for the consolidated state data center, as compared to total capacity, that will result in revenue exceeding total capital and operating expenses;

(iii) The potential reallocation of resources that could result from the consolidation of state data centers and office space; and

(iv) The potential return on investment for the consolidated state data center and office building that may be realized without impairing any existing contractual rights under the terms of the financing lease and related agreements.

(c) This review must build upon the analysis and migration strategy for the consolidated state data center being prepared for the department of information services.

(d) The strategic plan must be submitted to the governor and the legislature by December 1, 2010.

(6) Appropriations in this section include amounts sufficient to implement Engrossed Substitute House Bill No. 3178 (technology efficiencies).

**Sec. 1013.** 2011 c 5 s 117 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF ADMINISTRATIVE HEARINGS**

Administrative Hearings Revolving Account—State

Appropriation . . . . .	<del>(\$34,468,000)</del>
	<u>\$34,805,000</u>

The appropriation in this section is subject to the following conditions and limitations: \$725,000 of the administrative hearings revolving account—state appropriation is provided solely to implement Engrossed Second Substitute House Bill No. 2782 (security lifeline act). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

**Sec. 1014.** 2011 c 5 s 118 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON HISPANIC AFFAIRS**

General Fund—State Appropriation (FY 2010) . . . . .	\$250,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$227,000)</del>
	<u>\$226,000</u>
TOTAL APPROPRIATION . . . . .	<del>(\$477,000)</del>
	<u>\$476,000</u>

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**Sec. 1015.** 2011 c 5 s 119 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS**

General Fund—State Appropriation (FY 2010) . . . . .	\$243,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$210,000)</del>
	<u>\$221,000</u>
TOTAL APPROPRIATION . . . . .	<del>(\$453,000)</del>
	<u>\$464,000</u>

**Sec. 1016.** 2011 c 5 s 120 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF REVENUE**

General Fund—State Appropriation (FY 2010) . . . . .	\$109,472,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$107,662,000)</del>
	<u>\$107,169,000</u>
Timber Tax Distribution Account—State Appropriation . . . . .	\$5,933,000
Waste Reduction/Recycling/Litter Control—State Appropriation . . . . .	\$130,000
Waste Tire Removal Account—State Appropriation . . . . .	\$2,000
Real Estate Excise Tax Grant Account—State Appropriation . . . . .	\$3,429,000
State Toxics Control Account—State Appropriation . . . . .	\$87,000
Oil Spill Prevention Account—State Appropriation . . . . .	\$19,000
TOTAL APPROPRIATION . . . . .	<del>(\$226,734,000)</del>
	<u>\$226,241,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$469,000 of the general fund—state appropriation for fiscal year 2010 and \$374,000 of the general fund—state appropriation for fiscal year 2011 are for the implementation of Substitute Senate Bill No. 5368 (annual property revaluation). If the bill is not enacted by June 30, 2009, the amounts in this subsection shall lapse.
- (2) \$4,653,000 of the general fund—state appropriation for fiscal year 2010 and \$4,242,000 of the general fund—state appropriation for fiscal year 2011 are for the implementation of revenue enhancement strategies. The strategies must include increased out-of-state auditing and compliance, the purchase of third party data sources for enhanced audit selection, and increased traditional auditing and compliance efforts.
- (3) \$3,127,000 of the general fund—state appropriation for fiscal year 2010 and \$1,737,000 of the general fund—state appropriation for fiscal year 2011 are for the implementation of Senate Bill No. 6173 (sales tax compliance). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.
- (4) \$1,294,000 of the general fund—state appropriation for fiscal year 2010 and \$3,085,000 of the general fund—state appropriation for fiscal year 2011 are for the implementation of Second Engrossed Substitute Senate Bill No. 6143 (excise tax law modifications). If the bill is not enacted by June 30, 2010, the amounts provided in this subsection shall lapse.
- (5) \$163,000 of the general fund—state appropriation for fiscal year 2011 is provided solely to implement Substitute Senate Bill No. 6846 (enhanced 911



services). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

(6) \$304,000 of the general fund—state appropriation for fiscal year 2011 is provided solely for making the necessary preparations for implementation of the working families tax exemption pursuant to RCW 82.08.0206 in 2012.

**Sec. 1017.** 2011 c 5 s 121 (uncodified) is amended to read as follows:

**FOR THE BOARD OF TAX APPEALS**

General Fund—State Appropriation (FY 2010) . . . . .	\$1,346,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$1,195,000)</del>
	<u>\$1,194,000</u>
TOTAL APPROPRIATION . . . . .	<del>(\$2,541,000)</del>
	<u>\$2,540,000</u>

**Sec. 1018.** 2011 c 5 s 122 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

General Fund—State Appropriation (FY 2010) . . . . .	\$815,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$3,527,000)</del>
	<u>\$3,524,000</u>
General Fund—Federal Appropriation . . . . .	\$2,956,000
Building Code Council Account—State Appropriation . . . . .	\$875,000
General Fund—Private/Local Appropriation . . . . .	\$84,000
General Administration Service Account—State Appropriation . . . . .	\$31,397,000
TOTAL APPROPRIATION . . . . .	<del>(\$39,654,000)</del>
	<u>\$39,651,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$28,000 of the general fund—state appropriation for fiscal year 2010 and \$14,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for the purposes of section 8 of Engrossed Second Substitute Senate Bill No. 5854 (built environment pollution). If section 8 of the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(2) \$3,197,000 of the general fund—state appropriation for fiscal year 2011 is provided solely for the payment of facilities and services charges, utilities and contracts charges, public and historic facilities charges, and capital projects surcharges allocable to the senate, house of representatives, statute law committee, and joint legislative systems committee. The department shall allocate charges attributable to these agencies among the affected revolving funds. The department shall enter into an interagency agreement with these agencies by July 1, 2010, to establish performance standards, prioritization of preservation and capital improvement projects, and quality assurance provisions for the delivery of services under this subsection. The agencies named in this subsection shall continue to enjoy all of the same rights of occupancy, support, and space use on the capitol campus as historically established.

(3) \$84,000 of the general fund—private/local appropriation and \$593,000 of the building code council account—state appropriation are provided solely to implement Engrossed Second Substitute House Bill No. 2658 (refocusing the

department of commerce, including transferring programs). If the bill is not enacted by June 30, 2010, the amounts provided in this subsection shall lapse.

(4) In accordance with RCW 46.08.172 and 43.135.055, the department is authorized to increase parking fees in fiscal year 2011 as necessary to meet the actual costs of conducting business.

Sec. 1019. 2011 c 5 s 125 (uncodified) is amended to read as follows:

**FOR THE MILITARY DEPARTMENT**

General Fund—State Appropriation (FY 2010) . . . . .	\$9,350,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$7,898,000)</del>
	<u>\$7,890,000</u>
General Fund—Federal Appropriation . . . . .	\$168,599,000
Enhanced 911 Account—State Appropriation . . . . .	\$44,508,000
Disaster Response Account—State Appropriation . . . . .	\$28,350,000
Disaster Response Account—Federal Appropriation . . . . .	\$114,496,000
Military Department Rent and Lease Account—State Appropriation . . . . .	\$612,000
Military Department Active State Service Account—Federal Appropriation . . . . .	\$592,000
Worker and Community Right-to-Know Account—State Appropriation . . . . .	\$341,000
Nisqually Earthquake Account—State Appropriation . . . . .	\$307,000
Nisqually Earthquake Account—Federal Appropriation . . . . .	\$1,067,000
TOTAL APPROPRIATION . . . . .	<del>(\$376,120,000)</del>
	<u>\$376,112,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$28,326,000 of the disaster response account—state appropriation and \$114,496,000 of the disaster response account—federal appropriation may be spent only on disasters declared by the governor and with the approval of the office of financial management. The military department shall submit a report to the office of financial management and the legislative fiscal committees on October 1st and February 1st of each year detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2009-2011 biennium based on current revenue and expenditure patterns.

(2) \$307,000 of the Nisqually earthquake account—state appropriation and \$1,067,000 of the Nisqually earthquake account—federal appropriation are provided solely for response and recovery costs associated with the February 28, 2001, earthquake. The military department shall submit a report to the office of financial management and the legislative fiscal committees on October 1st and February 1st of each year detailing earthquake recovery costs, including: (a) Estimates of total costs; (b) incremental changes from the previous estimate; (c) actual expenditures; (d) estimates of total remaining costs to be paid; and (e) estimates of future payments by biennium. This information shall be displayed by fund, by type of assistance, and by amount paid on behalf of state agencies or local organizations. The military department shall also submit a report quarterly to the office of financial management and the legislative fiscal committees

detailing information on the Nisqually earthquake account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2009-2011 biennium based on current revenue and expenditure patterns.

(3) \$85,000,000 of the general fund—federal appropriation is provided solely for homeland security, subject to the following conditions:

(a) Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee; and

(b) The department shall submit an annual report to the office of financial management and the legislative fiscal committees detailing the governor's domestic security advisory group recommendations; homeland security revenues and expenditures, including estimates of total federal funding for the state; and incremental changes from the previous estimate.

(4) \$500,000 of the general fund—state appropriation for fiscal year 2010 is provided solely for the military department to contract with the Washington information network 2-1-1 to operate a statewide 2-1-1 system. The department shall provide the entire amount for 2-1-1 and may not use any of the funds for administrative purposes.

**Sec. 1020.** 2011 c 5 s 126 (uncodified) is amended to read as follows:

**FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION**

General Fund—State Appropriation (FY 2010) . . . . .	\$2,667,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$2,345,000)</del>
	<u>\$2,344,000</u>
Higher Education Personnel Services Account—State	
Appropriation . . . . .	\$250,000
Department of Personnel Service Account—State	
Appropriation . . . . .	\$3,263,000
TOTAL APPROPRIATION . . . . .	<del>(\$8,525,000)</del>
	<u>\$8,524,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$50,000 of the general fund—state appropriation for fiscal year 2011 is provided solely for implementation of Engrossed Substitute Senate Bill No. 6726 (language access provider bargaining).

**Sec. 1021.** 2011 c 5 s 127 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

General Fund—State Appropriation (FY 2010) . . . . .	\$1,371,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$1,230,000)</del>
	<u>\$1,197,000</u>
General Fund—Federal Appropriation . . . . .	\$2,293,000
General Fund—Private/Local Appropriation . . . . .	\$14,000
TOTAL APPROPRIATION . . . . .	<del>(\$4,908,000)</del>
	<u>\$4,875,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$44,000 of the general fund—state appropriation for fiscal year 2011 is provided for implementation of Substitute House Bill No. 2704

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(Washington main street program). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

**Sec. 1022.** 2011 c 5 s 128 (uncodified) is amended to read as follows:

**FOR THE GROWTH MANAGEMENT HEARINGS BOARD**

General Fund—State Appropriation (FY 2010) . . . . .	\$1,642,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$1,334,000)</del>
	<u>\$1,331,000</u>
TOTAL APPROPRIATION . . . . .	<del>(\$2,976,000)</del>
	<u>\$2,973,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$12,000 of the general fund—state appropriation for fiscal year 2011 is provided solely for Substitute House Bill No. 2935 (hearings boards/environment and land use). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

**PART XI**  
**HUMAN SERVICES**

**Sec. 1101.** 2010 1st sp.s. c 37 s 201 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES.**

(1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act.

(4) The department is authorized to develop an integrated health care program designed to slow the progression of illness and disability and better manage medicaid expenditures for the aged and disabled population. Under this Washington medicaid integration partnership (WMIP), the department may combine and transfer such medicaid funds appropriated under sections 204, 206,

208, and 209 of this act as may be necessary to finance a unified health care plan for the WMIP program enrollment. The WMIP pilot projects shall not exceed a daily enrollment of 6,000 persons, nor expand beyond one county, during the 2009-2011 biennium. The amount of funding assigned to the pilot projects from each program may not exceed the average per capita cost assumed in this act for individuals covered by that program, actuarially adjusted for the health condition of persons enrolled in the pilot project, times the number of clients enrolled in the pilot project. In implementing the WMIP pilot projects, the department may: (a) Withhold from calculations of "available resources" as set forth in RCW 71.24.025 a sum equal to the capitated rate for individuals enrolled in the pilots; and (b) employ capitation financing and risk-sharing arrangements in collaboration with health care service contractors licensed by the office of the insurance commissioner and qualified to participate in both the medicaid and medicare programs. The department shall conduct an evaluation of the WMIP, measuring changes in participant health outcomes, changes in patterns of service utilization, participant satisfaction, participant access to services, and the state fiscal impact.

(5)(a) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, (~~2010~~) 2011, unless specifically prohibited by this act, the department may transfer general fund—state appropriations for fiscal year (~~2010~~) 2011 among programs after approval by the director of financial management. However, the department shall not transfer state moneys that are provided solely for a specified purpose except as expressly provided in (b) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year (~~2010~~) 2011 caseload forecasts and utilization assumptions in the medical assistance, long-term care, foster care, adoptions support, and child support programs, the department may transfer state moneys that are provided solely for a specified purpose. The department shall not transfer funds, and the director of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(6) The legislature finds that medicaid payment rates, as calculated by the department pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

Sec. 1102. 2011 c 5 s 201 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
CHILDREN AND FAMILY SERVICES PROGRAM**

General Fund—State Appropriation (FY 2010) . . . . .	\$315,002,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$287,643,000)</del>
	<u>\$285,342,000</u>
General Fund—Federal Appropriation . . . . .	<del>(\$494,136,000)</del>
	<u>\$494,749,000</u>
General Fund—Private/Local Appropriation . . . . .	\$3,320,000
Home Security Fund Appropriation . . . . .	\$8,406,000
Domestic Violence Prevention Account—State Appropriation . . . . .	\$1,154,000
Education Legacy Trust Account—State Appropriation . . . . .	\$725,000
<b>TOTAL APPROPRIATION . . . . .</b>	<del><b>(\$1,110,386,000)</b></del>
	<u><b>\$1,108,698,000</b></u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$937,000 of the general fund—state appropriation for fiscal year 2010 and \$696,000 of the general fund—state appropriation for fiscal year 2011 are provided solely to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility shall also provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

(2) \$369,000 of the general fund—state appropriation for fiscal year 2010, \$343,000 of the general fund—state appropriation for fiscal year 2011, and \$306,000 of the general fund—federal appropriation are provided solely for up to three nonfacility-based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility-based programs, preference shall be given to programs whose federal or private funding sources have expired or that have successfully performed under the existing pediatric interim care program.

(3) \$2,500,000 of the general fund—state appropriation for fiscal year 2010 and \$46,000 of the general fund—state appropriation for fiscal year 2011, and \$2,098,000 of the home security fund—state appropriation are provided solely for secure crisis residential centers. Within appropriated amounts, the department shall collaborate with providers to maintain no less than forty-five beds that are geographically representative of the state. The department shall examine current secure crisis residential staffing requirements, flexible payment

options, center specific waivers, and other appropriate methods to accomplish this outcome.

(4) A maximum of \$69,190,000 of the general fund—state appropriations and \$54,443,000 of the general fund—federal appropriations for the 2009-11 biennium shall be expended for behavioral rehabilitative services and these amounts are provided solely for this purpose. The department shall work with behavioral rehabilitative service providers to safely keep youth with emotional, behavioral, or medical needs at home, with relatives, or with other permanent placement resources and decrease the length of service through improved emotional, behavioral, or medical outcomes for children in behavioral rehabilitative services in order to achieve the appropriated levels.

(a) Contracted providers shall act in good faith and accept the hardest to serve children, to the greatest extent possible, in order to improve their emotional, behavioral, or medical conditions.

(b) The department and the contracted provider shall mutually agree and establish an exit date for when the child is to exit the behavioral rehabilitative service provider. The department and the contracted provider should mutually agree, to the greatest extent possible, on a viable placement for the child to go to once the child's treatment process has been completed. The child shall exit only when the emotional, behavioral, or medical condition has improved or if the provider has not shown progress toward the outcomes specified in the signed contract at the time of exit. This subsection (b) does not prevent or eliminate the department's responsibility for removing the child from the provider if the child's emotional, behavioral, or medical condition worsens or is threatened.

(c) The department is encouraged to use performance-based contracts with incentives directly tied to outcomes described in this section. The contracts should incentivize contracted providers to accept the hardest to serve children and incentivize improvement in children's emotional, mental, and medical well-being within the established exit date. The department is further encouraged to increase the use of behavioral rehabilitative service group homes, wrap around services to facilitate and support placement of youth at home with relatives, or other permanent resources, and other means to control expenditures.

(d) The total foster care per capita amount shall not increase more than four percent in the 2009-11 biennium and shall not include behavioral rehabilitative service.

(5) Within amounts provided for the foster care and adoption support programs, the department shall control reimbursement decisions for foster care and adoption support cases such that the aggregate average cost per case for foster care and for adoption support does not exceed the amounts assumed in the projected caseload expenditures.

(6) \$13,387,000 of the general fund—state appropriation for fiscal year 2011 and \$6,231,000 of the general fund—federal appropriation are provided solely for the department to provide contracted prevention and early intervention services. The legislature recognizes the need for flexibility as the department transitions to performance-based contracts. The following services are included in the prevention and early intervention block grant: Crisis family intervention services, family preservation services, intensive family preservation services, evidence-based programs, public health nurses, and early family support services. The legislature intends for the department to maintain and build on

existing evidence-based and research-based programs with the goal of utilizing contracted prevention and intervention services to keep children safe at home and to safely reunify families. Priority shall be given to proven intervention models, including evidence-based prevention and early intervention programs identified by the Washington state institute for public policy and the department. The department shall include information on the number, type, and outcomes of the evidence-based programs being implemented in its reports on child welfare reform efforts and shall provide the legislature and governor a report regarding the allocation of resources in this subsection by September 30, 2010. The department shall expend federal funds under this subsection in compliance with federal regulations.

(7) \$36,000 of the general fund—state appropriation for fiscal year 2010, \$34,000 of the general fund—state appropriation for fiscal year 2011, and \$29,000 of the general fund—federal appropriation are provided solely for the implementation of chapter 465, Laws of 2007 (child welfare).

(8) \$125,000 of the general fund—state appropriation for fiscal year 2010 and \$118,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for continuum of care services. \$100,000 of this amount is for Casey family partners and \$25,000 of this amount is for volunteers of America crosswalk in fiscal year 2010. \$95,000 of this amount is for Casey family partners and \$23,000 of this amount is for volunteers of America crosswalk in fiscal year 2011.

(9) \$1,904,000 of the general fund—state appropriation for fiscal year 2010, \$1,441,000 of the general fund—state appropriation for fiscal year 2011, and \$335,000 of the general fund—federal appropriation are provided solely to contract with medical professionals for comprehensive safety assessments of high-risk families and for foster care assessments. The safety assessments will use validated assessment tools to guide intervention decisions through the identification of additional safety and risk factors. The department will maintain the availability of comprehensive foster care assessments and follow up services for children in out-of-home care who do not have permanent plans, comprehensive safety assessments for families receiving in-home child protective services or family voluntary services, and comprehensive safety assessments for families with an infant age birth to fifteen days where the infant was, at birth, diagnosed as substance exposed and the department received an intake referral related to the infant due to the substance exposure. The department must consolidate contracts, streamline administration, and explore efficiencies to achieve savings.

(10) \$7,679,000 of the general fund—state appropriation for fiscal year 2010, \$6,226,000 of the general fund—state appropriation for fiscal year 2011, and \$4,658,000 of the general fund—federal appropriation are provided solely for court-ordered supervised visits between parents and dependent children and for sibling visits. The department shall work collaboratively with the juvenile dependency courts and revise the supervised visit reimbursement procedures to stay within appropriations without impeding reunification outcomes between parents and dependent children. The department shall report to the legislative fiscal committees on September 30, 2010, and December 30, 2010, the number of children in foster care who receive supervised visits, their frequency, length of time of each visit, and whether reunification is attained.



(11) \$145,000 of the general fund—state appropriation for fiscal year 2010, \$817,000 of the general fund—state appropriation for fiscal year 2011, and \$668,000 of the home security fund—state appropriation is provided solely for street youth program services.

(12) \$1,522,000 of the general fund—state appropriation for fiscal year 2010, \$1,256,000 of the general fund—state appropriation for fiscal year 2011, and \$1,372,000 of the general fund—federal appropriation are provided solely for the department to recruit foster parents. The recruitment efforts shall include collaborating with community-based organizations and current or former foster parents to recruit foster parents.

(13) \$493,000 of the general fund—state appropriation for fiscal year 2010, \$102,000 of the general fund—state appropriation for fiscal year 2011, \$466,000 of the general fund—private/local appropriation, \$182,000 of the general fund—federal appropriation, and \$725,000 of the education legacy trust account—state appropriation are provided solely for children's administration to contract with an educational advocacy provider with expertise in foster care educational outreach. Funding is provided solely for contracted education coordinators to assist foster children in succeeding in K-12 and higher education systems. Funding shall be prioritized to regions with high numbers of foster care youth and/or regions where backlogs of youth that have formerly requested educational outreach services exist. The department shall utilize private matching funds to maintain educational advocacy services.

(14) \$1,273,000 of the home security fund account—state appropriation is provided solely for HOPE beds.

(15) \$4,234,000 of the home security fund account—state appropriation is provided solely for the crisis residential centers.

(16) The appropriations in this section reflect reductions in the appropriations for the children's administration administrative expenses. It is the intent of the legislature that these reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

(17) Within the amounts appropriated in this section, the department shall contract for a pilot project with family and community networks in Whatcom county and up to four additional counties to provide services. The pilot project shall be designed to provide a continuum of services that reduce out-of-home placements and the lengths of stay for children in out-of-home placement. The department and the community networks shall collaboratively select the additional counties for the pilot project and shall collaboratively design the contract. Within the framework of the pilot project, the contract shall seek to maximize federal funds. The pilot project in each county shall include the creation of advisory and management teams which include members from neighborhood-based family advisory committees, residents, parents, youth, providers, and local and regional department staff. The Whatcom county team shall facilitate the development of outcome-based protocols and policies for the pilot project and develop a structure to oversee, monitor, and evaluate the results of the pilot projects. The department shall report the costs and savings of the pilot project to the appropriate committees of the legislature by November 1 of each year.

(18) \$157,000 of the general fund—state appropriation for fiscal year 2010 and \$78,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for the department to contract with a nonprofit entity for a reunification pilot project in Whatcom and Skagit counties. The contract for the reunification pilot project shall include a rate of \$46.16 per hour for evidence-based interventions, in combination with supervised visits, to provide 3,564 hours of services to reduce the length of stay for children in the child welfare system. The contract shall also include evidence-based intensive parenting skills building services and family support case management services for 38 families participating in the reunification pilot project. The contract shall include the flexibility for the nonprofit entity to subcontract with trained providers.

(19) \$303,000 of the general fund—state appropriation for fiscal year 2010, \$392,000 of the general fund—state appropriation for fiscal year 2011, and \$241,000 of the general fund—federal appropriation are provided solely to implement Engrossed Substitute House Bill No. 1961 (increasing adoptions act). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(20) \$98,000 of the general fund—state appropriation for fiscal year 2010 and \$49,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for the department to contract with an agency that is working in partnership with, and has been evaluated by, the University of Washington school of social work to implement promising practice constellation hub models of foster care support.

(21) The legislature intends for the department to reduce the time a child remains in the child welfare system. The department shall establish a measurable goal and report progress toward meeting that goal to the legislature by January 15 of each fiscal year of the 2009-11 fiscal biennium. To the extent that actual caseloads exceed those assumed in this section, it is the intent of the legislature to address those issues in a manner similar to all other caseload programs.

(22) \$715,000 of the general fund—state appropriation for fiscal year 2010 and \$671,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for services provided through children's advocacy centers.

(23) \$10,000 of the general fund—state appropriation for fiscal year 2011 and \$3,000 of the general fund—federal appropriation are provided solely for implementation of chapter 224, Laws of 2010 (confinement alternatives). If the bill is not enacted by June 30, 2010, the amounts provided in this subsection shall lapse.

(24) \$1,867,000 of the general fund—state appropriation for fiscal year 2010, \$1,677,000 of the general fund—state appropriation for fiscal year 2011, and \$4,379,000 of the general fund—federal appropriation are provided solely for the department to contract for medicaid treatment child care (MTCC) services. Children's administration case workers, local public health nurses and case workers from the temporary assistance for needy families program shall refer children to MTCC services, as long as the children meet the eligibility requirements as outlined in the Washington state plan for the MTCC services.

(25) The department shall contract for at least one pilot project with adolescent services providers to deliver a continuum of short-term crisis stabilization services. The pilot project shall include adolescent services

provided through secure crisis residential centers, crisis residential centers, and hope beds. The department shall work with adolescent service providers to maintain availability of adolescent services and maintain the delivery of services in a geographically representative manner. The department shall examine current staffing requirements, flexible payment options, center-specific licensing waivers, and other appropriate methods to achieve savings and streamline the delivery of services. The legislature intends for the pilot project to provide flexibility to the department to improve outcomes and to achieve more efficient utilization of existing resources, while meeting the statutory goals of the adolescent services programs. The department shall provide an update to the appropriate legislative committees and governor on the status of the pilot project implementation by December 1, 2010.

(26) To ensure expenditures remain within available funds appropriated in this section as required by RCW 74.13A.005 and 74.13A.020, the secretary shall not set the amount of any adoption assistance payment or payments, made pursuant to RCW 26.33.320 and 74.13A.005 through 74.13A.080, to more than ninety percent of the foster care maintenance payment for that child had he or she remained in a foster family home during the same period. This subsection does not apply to adoption assistance agreements in existence on the effective date of this section.

(27) Receipts from fees per chapter 289, Laws of 2010, as deposited into the prostitution prevention and intervention account for services provided to sexually exploited children as defined in RCW 13.32A.030 in secure and semi-secure crisis residential centers with access to staff trained to meet their specific needs shall be used to expand capacity for secure crisis residential centers and not supplant existing funding.

~~((28) The appropriations in this section reflect reductions to the foster care maintenance payment rates during fiscal year 2011.))~~

**Sec. 1103.** 2011 c 5 s 202 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
JUVENILE REHABILITATION PROGRAM**

General Fund—State Appropriation (FY 2010) . . . . .	\$103,437,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$90,240,000)</del>
	<u>\$89,127,000</u>
General Fund—Federal Appropriation . . . . .	<del>(\$1,715,000)</del>
	<u>\$1,734,000</u>
General Fund—Private/Local Appropriation . . . . .	<del>(\$1,899,000)</del>
	<u>\$1,931,000</u>
Washington Auto Theft Prevention Authority Account—	
State Appropriation . . . . .	\$3,896,000
Juvenile Accountability Incentive Account—Federal	
Appropriation . . . . .	\$2,805,000
State Efficiency and Restructuring Account—State	
Appropriation . . . . .	\$4,958,000
TOTAL APPROPRIATION . . . . .	<del>(\$208,950,000)</del>
	<u>\$207,888,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$353,000 of the general fund—state appropriation for fiscal year 2010 and \$331,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(2) \$3,408,000 of the general fund—state appropriation for fiscal year 2010 and \$2,716,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 338, Laws of 1997 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(3) \$3,716,000 of the general fund—state appropriation for fiscal year 2010 and \$3,482,000 of the general fund—state appropriation for fiscal year 2011 are provided solely to implement community juvenile accountability grants pursuant to chapter 338, Laws of 1997 (juvenile code revisions). Funds provided in this subsection may be used solely for community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants.

(4) \$1,427,000 of the general fund—state appropriation for fiscal year 2010 and \$1,130,000 of the general fund—state appropriation for fiscal year 2011 are provided solely to implement alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these moneys on a competitive basis to counties that submitted a plan for the provision of services approved by the division of alcohol and substance abuse. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

(5) \$3,066,000 of the general fund—state appropriation for fiscal year 2010 and \$2,873,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for grants to county juvenile courts for the following programs identified by the Washington state institute for public policy (institute) in its October 2006 report: "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates": Functional family therapy, multi-systemic therapy, aggression replacement training and interagency coordination programs, or other programs with a positive benefit-cost finding in the institute's report. County juvenile courts shall apply to the juvenile rehabilitation administration for funding for program-specific participation and the administration shall provide grants to the courts consistent with the per-participant treatment costs identified by the institute.

(6) \$1,287,000 of the general fund—state appropriation for fiscal year 2010 and \$1,287,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for expansion of the following treatments and therapies in juvenile rehabilitation administration programs identified by the Washington state institute for public policy in its October 2006 report: "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates": Multidimensional treatment foster care, family

integrated transitions, and aggression replacement training. The administration may concentrate delivery of these treatments and therapies at a limited number of programs to deliver the treatments in a cost-effective manner.

(7)(a) For the fiscal year ending June 30, 2011, the juvenile rehabilitation administration shall administer a block grant, rather than categorical funding, of consolidated juvenile service funds, community juvenile accountability act grants, the chemical dependency disposition alternative funds, the mental health disposition alternative, and the sentencing disposition alternative for the purpose of serving youth adjudicated in the juvenile justice system. In making the block grant, the juvenile rehabilitation administration shall follow the following formula and will prioritize evidence-based programs and disposition alternatives and take into account juvenile courts program-eligible youth in conjunction with the number of youth served in each approved evidence-based program or disposition alternative: (i) Thirty-seven and one-half percent for the at-risk population of youth ten to seventeen years old; (ii) fifteen percent for moderate and high-risk youth; (iii) twenty-five percent for evidence-based program participation; (iv) seventeen and one-half percent for minority populations; (v) three percent for the chemical dependency disposition alternative; and (vi) two percent for the mental health and sentencing dispositional alternatives. Funding for the special sex offender disposition alternative (SSODA) shall not be included in the block grant, but allocated on the average daily population in juvenile courts. Funding for the evidence-based expansion grants shall be excluded from the block grant formula. Funds may be used for promising practices when approved by the juvenile rehabilitation administration and juvenile courts, through the community juvenile accountability act committee, based on the criteria established in consultation with Washington state institute for public policy and the juvenile courts.

(b) It is the intent of the legislature that the juvenile rehabilitation administration phase the implementation of the formula provided in subsection (1) of this section by including a stop-loss formula of three percent in fiscal year 2011, five percent in fiscal year 2012, and five percent in fiscal year 2013. It is further the intent of the legislature that the evidence-based expansion grants be incorporated into the block grant formula by fiscal year 2013 and SSODA remain separate unless changes would result in increasing the cost benefit savings to the state as identified in (c) of this subsection.

(c) The juvenile rehabilitation administration and the juvenile courts shall establish a block grant funding formula oversight committee with equal representation from the juvenile rehabilitation administration and the juvenile courts. The purpose of this committee is to assess the ongoing implementation of the block grant funding formula, utilizing data-driven decision making and the most current available information. The committee will be cochaired by the juvenile rehabilitation administration and the juvenile courts, who will also have the ability to change members of the committee as needed to achieve its purpose. Initial members will include one juvenile court representative from the finance committee, the community juvenile accountability act committee, the risk assessment quality assurance committee, the executive board of the Washington association of juvenile court administrators, the Washington state center for court research, and a representative of the superior court judges association; two representatives from the juvenile rehabilitation administration headquarters

program oversight staff, two representatives of the juvenile rehabilitation administration regional office staff, one representative of the juvenile rehabilitation administration fiscal staff and a juvenile rehabilitation administration division director. The committee may make changes to the formula categories other than the evidence-based program and disposition alternative categories if it is determined the changes will increase statewide service delivery or effectiveness of evidence-based program or disposition alternative resulting in increased cost benefit savings to the state. Long-term cost benefit must be considered. Percentage changes may occur in the evidence-based program or disposition alternative categories of the formula should it be determined the changes will increase evidence-based program or disposition alternative delivery and increase the cost benefit to the state. These outcomes will also be considered in determining when evidence-based expansion or special sex offender disposition alternative funds should be included in the block grant or left separate.

(d) The juvenile courts and administrative office of the courts shall be responsible for collecting and distributing information and providing access to the data systems to the juvenile rehabilitation administration and the Washington state institute for public policy related to program and outcome data. The juvenile rehabilitation administration and the juvenile courts will work collaboratively to develop program outcomes that reinforce the greatest cost benefit to the state in the implementation of evidence-based practices and disposition alternatives.

(e) By December 1, 2010, the Washington state institute for public policy shall report to the office of financial management and appropriate committees of the legislature on the administration of the block grant authorized in this subsection. The report shall include the criteria used for allocating the funding as a block grant and the participation targets and actual participation in the programs subject to the block grant.

(8) \$3,700,000 of the Washington auto theft prevention authority account—state appropriation is provided solely for competitive grants to community-based organizations to provide at-risk youth intervention services, including but not limited to, case management, employment services, educational services, and street outreach intervention programs. Projects funded should focus on preventing, intervening, and suppressing behavioral problems and violence while linking at-risk youth to pro-social activities. The department may not expend more than \$1,850,000 per fiscal year. The costs of administration must not exceed four percent of appropriated funding for each grant recipient. Each entity receiving funds must report to the juvenile rehabilitation administration on the number and types of youth served, the services provided, and the impact of those services upon the youth and the community.

(9) The appropriations in this section assume savings associated with the transfer of youthful offenders age eighteen or older whose sentences extend beyond age twenty-one to the department of corrections to complete their sentences. Prior to transferring an offender to the department of corrections, the juvenile rehabilitation administration shall evaluate the offender to determine the offender's physical and emotional suitability for transfer.

**Sec. 1104.** 2011 c 5 s 203 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
MENTAL HEALTH PROGRAM**

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund—State Appropriation (FY 2010) . . . . .	\$273,648,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$263,993,000)</del>
	<u>\$271,260,000</u>
General Fund—Federal Appropriation . . . . .	<del>(\$520,024,000)</del>
	<u>\$513,373,000</u>
General Fund—Private/Local Appropriation . . . . .	\$16,951,000
Hospital Safety Net Assessment Fund—State Appropriation . . . . .	\$3,476,000
TOTAL APPROPRIATION . . . . .	<del>(\$1,078,092,000)</del>
	<u>\$1,078,708,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$113,689,000 of the general fund—state appropriation for fiscal year 2010 and \$101,089,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for persons and services not covered by the medicaid program. This is a reduction in fiscal year 2010 of \$11,606,000 (~~each fiscal year~~) and in fiscal year 2011 of \$24,206,000 from the nonmedicaid funding that was allocated for expenditure by regional support networks during fiscal year 2009 prior to supplemental budget reductions. (~~This \$11,606,000~~) These reductions shall be distributed among regional support networks proportional to each network's share of the total state population. To the extent possible, levels of regional support network spending shall be maintained in the following priority order: (i) Crisis and commitment services; (ii) community inpatient services; and (iii) residential care services, including personal care and emergency housing assistance.

(b) \$10,400,000 of the general fund—state appropriation for fiscal year 2010, \$8,814,000 of the general fund—state appropriation for fiscal year 2011, and \$1,300,000 of the general fund—federal appropriation are provided solely for the department and regional support networks to contract for implementation of high-intensity program for active community treatment (PACT) teams. The department shall work with regional support networks and the center for medicare and medicaid services to integrate eligible components of the PACT service delivery model into medicaid capitation rates no later than January 2011, while maintaining consistency with all essential elements of the PACT evidence-based practice model.

(c) \$6,500,000 of the general fund—state appropriation for fiscal year 2010 and \$6,091,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for the western Washington regional support networks to provide either community- or hospital campus-based services for persons who require the level of care provided by the program for adaptive living skills (PALS) at western state hospital.

(d) The number of nonforensic beds allocated for use by regional support networks at eastern state hospital shall be 192 per day. the number of nonforensic beds allocated for use by regional support networks at western state

hospital shall be 617 per day during the first quarter of fiscal year 2010, 587 per day through the second quarter of fiscal year 2011, and 557 per day thereafter. Beds in the program for adaptive living skills (PALS) are not included in the preceding bed allocations. The department shall separately charge regional support networks for persons served in the PALS program.

(e) From the general fund—state appropriations in this subsection, the secretary of social and health services shall assure that regional support networks reimburse the aging and disability services administration for the general fund—state cost of medicaid personal care services that enrolled regional support network consumers use because of their psychiatric disability.

(f) \$4,582,000 of the general fund—state appropriation for fiscal year 2010 and \$4,582,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon release from confinement.

(g) The department is authorized to continue to contract directly, rather than through contracts with regional support networks, for children's long-term inpatient facility services.

(h) \$750,000 of the general fund—state appropriation for fiscal year 2010 and \$703,000 of the general fund—state appropriation for fiscal year 2011 are provided solely to continue performance-based incentive contracts to provide appropriate community support services for individuals with severe mental illness who were discharged from the state hospitals as part of the expanding community services initiative. These funds will be used to enhance community residential and support services provided by regional support networks through other state and federal funding.

(i) \$1,500,000 of the general fund—state appropriation for fiscal year 2010 and \$1,500,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for the Spokane regional support network to implement services to reduce utilization and the census at eastern state hospital. Such services shall include:

(i) High intensity treatment team for persons who are high utilizers of psychiatric inpatient services, including those with co-occurring disorders and other special needs;

(ii) Crisis outreach and diversion services to stabilize in the community individuals in crisis who are at risk of requiring inpatient care or jail services;

(iii) Mental health services provided in nursing facilities to individuals with dementia, and consultation to facility staff treating those individuals; and

(iv) Services at the sixteen-bed evaluation and treatment facility.

At least annually, the Spokane regional support network shall assess the effectiveness of these services in reducing utilization at eastern state hospital, identify services that are not optimally effective, and modify those services to improve their effectiveness.

(j) The department shall return to the Spokane regional support network fifty percent of the amounts assessed against the network during the last six months of calendar year 2009 for state hospital utilization in excess of its contractual limit. The regional support network shall use these funds for operation during its initial months of a new sixteen-bed evaluation and treatment facility that will enable the network to reduce its use of the state hospital, and for



diversion and community support services for persons with dementia who would likely otherwise require care at the state hospital.

(k) The department is directed to identify and implement program efficiencies and benefit changes in its delivery of medicaid managed-care services that are sufficient to operate within the state and federal appropriations in this section. Such actions may include but are not limited to methods such as adjusting the care access standards; improved utilization management of ongoing, recurring, and high-intensity services; and increased uniformity in provider payment rates. The department shall ensure that the capitation rate adjustments necessary to accomplish these efficiencies and changes are distributed uniformly and equitably across all regional support networks statewide. The department is directed to report to the relevant legislative fiscal and policy committees at least thirty days prior to implementing rate adjustments reflecting these changes.

(l) In developing the new medicaid managed care rates under which the public mental health managed care system will operate during the five years beginning in fiscal year 2011, the department should seek to estimate the reasonable and necessary cost of efficiently and effectively providing a comparable set of medically necessary mental health benefits to persons of different acuity levels regardless of where in the state they live. Actual prior period spending in a regional administrative area shall not be a key determinant of future payment rates. The department shall report to the office of financial management and to the relevant fiscal and policy committees of the legislature on its proposed new waiver and mental health managed care rate-setting approach by October 1, 2009, and again at least sixty days prior to implementation of new capitation rates.

(m) In implementing the new public mental health managed care payment rates for fiscal year 2011, the department shall to the maximum extent possible within each regional support network's allowable rate range establish rates so that there is no increase or decrease in the total state and federal funding that the regional support network would receive if it were to continue to be paid at its October 2009 through June 2010 rates. The department shall additionally revise the draft rates issued January 28, 2010, to more accurately reflect the lower practitioner productivity inherent in the delivery of services in extremely rural regions in which a majority of the population reside in frontier counties, as defined and designated by the national center for frontier communities.

(n) \$1,529,000 of the general fund—state appropriation for fiscal year 2010 and \$1,529,000 of the general fund—state appropriation for fiscal year 2011 are provided solely to reimburse Pierce and Spokane counties for the cost of conducting 180-day commitment hearings at the state psychiatric hospitals.

(o) The legislature intends and expects that regional support networks and contracted community mental health agencies shall make all possible efforts to, at a minimum, maintain current compensation levels of direct care staff. Such efforts shall include, but not be limited to, identifying local funding that can preserve client services and staff compensation, achieving administrative reductions at the regional support network level, and engaging stakeholders on cost-savings ideas that maintain client services and staff compensation. For purposes of this section, "direct care staff" means persons employed by community mental health agencies whose primary responsibility is providing

direct treatment and support to people with mental illness, or whose primary responsibility is providing direct support to such staff in areas such as client scheduling, client intake, client reception, client records-keeping, and facilities maintenance.

(p) Regional support networks may use local funds to earn additional federal medicaid match, provided the locally matched rate does not exceed the upper-bound of their federally allowable rate range, and provided that the enhanced funding is used only to provide medicaid state plan or waiver services to medicaid clients. Additionally, regional support networks may use a portion of the state funds allocated in accordance with (a) of this subsection to earn additional medicaid match, but only to the extent that the application of such funds to medicaid services does not diminish the level of crisis and commitment, community inpatient, residential care, and outpatient services presently available to persons not eligible for medicaid.

(2) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2010) . . . . .	\$119,423,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$112,514,000)</del>
	<u>\$111,365,000</u>
General Fund—Federal Appropriation . . . . .	<del>(\$152,195,000)</del>
	<u>\$154,399,000</u>
General Fund—Private/Local Appropriation . . . . .	<del>(\$63,873,000)</del>
	<u>\$64,789,000</u>
TOTAL APPROPRIATION . . . . .	<del>(\$448,005,000)</del>
	<u>\$449,976,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state psychiatric hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) \$231,000 of the general fund—state appropriation for fiscal year 2008 and \$216,000 of the general fund—state appropriation for fiscal year 2009 are provided solely for a community partnership between western state hospital and the city of Lakewood to support community policing efforts in the Lakewood community surrounding western state hospital. The amounts provided in this subsection (2)(b) are for the salaries, benefits, supplies, and equipment for one full-time investigator, one full-time police officer, and one full-time community service officer at the city of Lakewood.

(c) \$45,000 of the general fund—state appropriation for fiscal year 2010 and \$42,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for payment to the city of Lakewood for police services provided by the city at western state hospital and adjacent areas.

(d) \$187,000 of the general fund—state appropriation for fiscal year 2011 is provided solely for support of the psychiatric security review panel established pursuant to Senate Bill No. 6610. If Senate Bill No. 6610 is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

(3) SPECIAL PROJECTS

General Fund—State Appropriation (FY 2010) . . . . .	\$1,819,000
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General Fund—State Appropriation (FY 2011) . . . . .	\$1,961,000
General Fund—Federal Appropriation . . . . .	<del>(\$2,142,000)</del>
	<u>\$2,538,000</u>
TOTAL APPROPRIATION . . . . .	<del>(\$5,922,000)</del>
	<u>\$6,318,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$1,511,000 of the general fund—state appropriation for fiscal year 2010 and \$1,416,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for children's evidence based mental health services. Funding is sufficient to continue serving children at the same levels as fiscal year 2009.

(b) \$94,000 of the general fund—state appropriation for fiscal year 2011 is provided solely for consultation, training, and technical assistance to regional support networks on strategies for effective service delivery in very sparsely populated counties.

(c) \$56,000 of the general fund—state appropriation for fiscal year 2011 is provided solely for the department to contract with the Washington state institute for public policy for completion of the research reviews to be conducted in accordance with chapter 263, Laws of 2010.

(d) \$56,000 of the general fund—state appropriation for fiscal year 2011 is provided solely for the department to contract with the Washington state institute for public policy for completion of the research reviews to be conducted in accordance with section 1, chapter 280, Laws of 2010.

(e) \$56,000 of the general fund—state appropriation for fiscal year 2011 is provided solely for implementation of sections 2 and 3, chapter 280, Laws of 2010. The department shall use these funds to contract with the Washington state institute for public policy for completion of an assessment of (i) the extent to which the number of persons involuntarily committed for 3, 14, and 90 days is likely to increase as a result of the revised commitment standards; (ii) the availability of community treatment capacity to accommodate that increase; (iii) strategies for cost-effectively leveraging state, local, and private resources to increase community involuntary treatment capacity; and (iv) the extent to which increases in involuntary commitments are likely to be offset by reduced utilization of correctional facilities, publicly-funded medical care, and state psychiatric hospitalizations.

(4) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2010) . . . . .	\$4,078,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$3,722,000)</del>
	<u>\$4,002,000</u>
General Fund—Federal Appropriation . . . . .	<del>(\$7,207,000)</del>
	<u>\$6,920,000</u>
TOTAL APPROPRIATION . . . . .	<del>(\$15,007,000)</del>
	<u>\$15,000,000</u>

The department is authorized and encouraged to continue its contract with the Washington state institute for public policy to provide a longitudinal analysis of long-term mental health outcomes as directed in chapter 334, Laws of 2001 (mental health performance audit); to build upon the evaluation of the impacts of

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chapter 214, Laws of 1999 (mentally ill offenders); and to assess program outcomes and cost effectiveness of the children's mental health pilot projects as required by chapter 372, Laws of 2006.

**Sec. 1105.** 2011 c 5 s 204 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
DEVELOPMENTAL DISABILITIES PROGRAM**

**(1) COMMUNITY SERVICES**

General Fund—State Appropriation (FY 2010) . . . . .	\$307,348,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$321,752,000)</del>
	<u>\$329,639,000</u>
General Fund—Federal Appropriation . . . . .	<del>(\$890,274,000)</del>
	<u>\$870,232,000</u>
<b>TOTAL APPROPRIATION . . . . .</b>	<b><del>(\$1,519,374,000)</del></b>
	<b><u>\$1,507,219,000</u></b>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b)(i) Amounts appropriated in this section reflect a reduction to funds appropriated for in-home care. The department shall reduce the number of in-home hours authorized. The reduction shall be scaled based on the acuity level of care recipients. The largest hour reductions shall be to lower acuity patients and the smallest hour reductions shall be to higher acuity patients. In doing so, the department shall comply with all maintenance of effort requirements contained in the American reinvestment and recovery act.

(ii) \$508,000 of the general fund—state appropriation for fiscal year 2011 and \$822,000 of the general fund—federal appropriation are provided solely for the department to partially restore the reductions to in-home care that are taken in (b)(i) of this subsection. The department will use the same formula to restore personal care hours that it used to reduce personal care hours.

(c) Amounts appropriated in this section are sufficient to develop and implement the use of a consistent, statewide outcome-based vendor contract for employment and day services by April 1, 2011. The rates paid to vendors under this contract shall also be made consistent. In its description of activities the agency shall include activity listings and dollars appropriated for: Employment services, day services, child development services and county administration of services to the developmentally disabled. The department shall begin reporting to the office of financial management on these activities beginning in fiscal year 2010.

(d) \$302,000 of the general fund—state appropriation for fiscal year 2010, \$831,000 of the general fund—state appropriation for fiscal year 2011, and \$1,592,000 of the general fund—federal appropriation are provided solely for health care benefits pursuant to a collective bargaining agreement negotiated with the exclusive bargaining representative of individual providers established under RCW 74.39A.270.

(e)(i) \$682,000 of the general fund—state appropriation for fiscal year 2010, \$1,651,000 of the general fund—state appropriation for fiscal year 2011, and \$1,678,000 of the general fund—federal appropriation are provided solely for the state's contribution to the training partnership, as provided in RCW 74.39A.360, pursuant to a collective bargaining agreement negotiated with the exclusive bargaining representative of individual providers established under RCW 74.39A.270.

(ii) The federal portion of the amounts in this subsection (~~((g))~~) is contingent upon federal approval of participation in contributions to the trust and shall remain unallotted and placed in reserve status until the office of financial management and the department of social and health services receive federal approval.

(iii) Expenditures for the purposes specified in this subsection (~~((g))~~) shall not exceed the amounts provided in this subsection.

(f) Within the amounts appropriated in this subsection (1), the department shall implement all necessary rules to facilitate the transfer to a department home and community-based services (HCBS) waiver of all eligible individuals who (i) currently receive services under the existing state-only employment and day program or the existing state-only residential program, and (ii) otherwise meet the waiver eligibility requirements. The amounts appropriated are sufficient to ensure that all individuals currently receiving services under the state-only employment and day and state-only residential programs who are not transferred to a department HCBS waiver will continue to receive services.

(g) In addition to other reductions, the appropriations in this subsection reflect reductions targeted specifically to state government administrative costs. These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

(h) The department shall not pay a home care agency licensed under chapter 70.127 RCW for personal care services provided by a family member, pursuant to Substitute House Bill No. 2361 (modifying state payments for in-home care).

(i) Within the appropriations of this section, the department shall reduce all seventeen payment levels of the seventeen-level payment system from the fiscal year 2009 levels for boarding homes, boarding homes contracted as assisted living, and adult family homes. Excluded from the reductions are exceptional care rate add-ons. The long-term care program may develop add-ons to pay exceptional care rates to adult family homes and boarding homes with specialty contracts to provide support for the following specifically eligible clients:

(i) Persons with AIDS or HIV-related diseases who might otherwise require nursing home or hospital care;

(ii) Persons with Alzheimer's disease and related dementia who might otherwise require nursing home care; and

(iii) Persons with co-occurring mental illness and long-term care needs who are eligible for expanded community services and who might otherwise require state and local psychiatric hospital care.

Within amounts appropriated, exceptional add-on rates for AIDS/HIV, dementia specialty care, and expanded community services may be standardized within each program.

(j) The amounts appropriated in this subsection reflect a reduction in funds available for employment and day services. In administering this reduction the department shall negotiate with counties and their vendors so that this reduction, to the greatest extent possible, is achieved by reducing vendor rates and allowable contract administrative charges (overhead) and not through reductions to direct client services or direct service delivery or programs.

(k) As part of the needs assessment instrument, the department may collect data on family income for minor children with developmental disabilities and all individuals who are receiving state-only funded services. The department may ensure that this information is collected as part of the client assessment process.

(l) \$116,000 of the general fund—state appropriation for fiscal year 2010, \$2,133,000 of the general fund—state appropriation for fiscal year 2011, and \$1,772,000 of the general fund—federal appropriation are provided solely for employment services and required waiver services. Priority consideration for this new funding shall be young adults with developmental disabilities living with their family who need employment opportunities and assistance after high school graduation. Services shall be provided for both waiver and nonwaiver clients.

(m) \$81,000 of the general fund—state appropriation for fiscal year 2010, \$599,000 of the general fund—state appropriation for fiscal year 2011, and \$1,111,000 of the general fund—federal appropriation are provided solely for the department to provide employment and day services for eligible students who are currently on a waiver and will graduate from high school during fiscal years 2010 and 2011.

(n) The automatic award of additional hours of personal care for people with special meal preparation or incontinence needs is eliminated. Authorization of service hours will be based upon the individual's assessed needs.

(o) \$75,000 of the general fund—state appropriation for fiscal year 2011 is provided solely for the restoration of direct support to local organizations that utilize parent-to-parent networks and communication to promote access and quality of care for individuals with developmental disabilities and their families.

(2) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2010) . . . . .	\$61,422,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$62,551,000)</del>
	<u>\$66,554,000</u>
General Fund—Federal Appropriation . . . . .	<del>(\$205,440,000)</del>
	<u>\$200,262,000</u>
General Fund—Private/Local Appropriation . . . . .	<del>(\$22,357,000)</del>
	<u>\$22,657,000</u>
TOTAL APPROPRIATION . . . . .	<del>(\$351,770,000)</del>
	<u>\$350,895,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) The developmental disabilities program is authorized to use funds appropriated in this subsection to purchase goods and supplies through direct contracting with vendors when the program determines it is cost-effective to do so.

(c) \$721,000 of the general fund—state appropriation for fiscal year 2010 and ~~(\$721,000)~~ \$800,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for the department to fulfill its contracts with the school districts under chapter 28A.190 RCW to provide transportation, building space, and other support services as are reasonably necessary to support the educational programs of students living in residential habilitation centers. For fiscal year 2011 and within the amounts appropriated in this subsection, the department shall pay for para educators and behavior aides for students residing at Fircrest residential habilitation center as specified in the individualized education program required by the individuals with disabilities education act.

(d) In addition to other reductions, the appropriations in this subsection reflect reductions targeted specifically to state government administrative costs. These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

(3) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2010) . . . . .	\$1,407,000
General Fund—State Appropriation (FY 2011) . . . . .	\$1,341,000
General Fund—Federal Appropriation . . . . .	<del>(\$1,263,000)</del>
	<u>\$1,277,000</u>
TOTAL APPROPRIATION . . . . .	<del>(\$4,011,000)</del>
	<u>\$4,025,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: In addition to other reductions, the appropriations in this subsection reflect reductions targeted specifically to state government administrative costs. These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

(4) SPECIAL PROJECTS

General Fund—Federal Appropriation . . . . .	<del>(\$10,171,000)</del>
	<u>\$10,157,000</u>

The appropriation in this subsection is subject to the following conditions and limitations: The appropriations in this subsection are available solely for the infant toddler early intervention program and the money follows the person program as defined by this federal grant.

**Sec. 1106.** 2011 c 5 s 205 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
AGING AND ADULT SERVICES PROGRAM**

General Fund—State Appropriation (FY 2010) . . . . .	\$616,837,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$606,962,000)</del>
	<u>\$654,555,000</u>

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General Fund—Federal Appropriation . . . . .	(\$1,917,607,000))
	<u>\$1,915,332,000</u>
General Fund—Private/Local Appropriation . . . . .	\$18,013,000
Traumatic Brain Injury Account—State Appropriation . . . . .	\$4,136,000
TOTAL APPROPRIATION . . . . .	(\$3,163,555,000))
	<u>\$3,208,873,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate shall not exceed \$169.85 for fiscal year 2010 and shall not exceed (~~(\$161.86))~~ \$166.24 for fiscal year 2011, including the rate add-on described in subsection (12) of this section. There will be no adjustments for economic trends and conditions in fiscal years 2010 and 2011. The economic trends and conditions factor or factors defined in the biennial appropriations act shall not be compounded with the economic trends and conditions factor or factors defined in any other biennial appropriations acts before applying it to the component rate allocations established in accordance with chapter 74.46 RCW. When no economic trends and conditions factor for either fiscal year is defined in a biennial appropriations act, no economic trends and conditions factor or factors defined in any earlier biennial appropriations act shall be applied solely or compounded to the component rate allocations established in accordance with chapter 74.46 RCW.

(2) After examining actual nursing facility cost information, the legislature finds that the medicaid nursing facility rates calculated pursuant to Substitute House Bill No. 3202 or Substitute Senate Bill No. 6872 (nursing facility medicaid payments) provide sufficient reimbursement to efficient and economically operating nursing facilities and bears a reasonable relationship to costs.

(3) In accordance with chapter 74.46 RCW, the department shall issue no additional certificates of capital authorization for fiscal year 2010 and no new certificates of capital authorization for fiscal year 2011 and shall grant no rate add-ons to payment rates for capital improvements not requiring a certificate of need and a certificate of capital authorization for fiscal year 2011.

(4) The long-term care program may develop and pay enhanced rates for exceptional care to nursing homes for persons with traumatic brain injuries who are transitioning from hospital care. The cost per patient day for caring for these clients in a nursing home setting may be equal to or less than the cost of caring for these clients in a hospital setting.

(5) Within the appropriations of this section, the department shall reduce all seventeen payment levels of the seventeen-level payment system from the fiscal year 2009 levels for boarding homes, boarding homes contracted as assisted living, and adult family homes. Excluded from the reductions are exceptional care rate add-ons. The long-term care program may develop add-ons to pay exceptional care rates to adult family homes and boarding homes with specialty contracts to provide support for the following specifically eligible clients:

(a) Persons with AIDS or HIV-related diseases who might otherwise require nursing home or hospital care;



(b) Persons with Alzheimer's disease and related dementia who might otherwise require nursing home care; and

(c) Persons with co-occurring mental illness and long-term care needs who are eligible for expanded community services and who might otherwise require state and local psychiatric hospital care.

Within amounts appropriated, exceptional add-on rates for AIDS/HIV, dementia specialty care, and expanded community services may be standardized within each program.

(6)(a) Amounts appropriated in this section reflect a reduction to funds appropriated for in-home care. The department shall reduce the number of in-home hours authorized. The reduction shall be scaled based on the acuity level of care recipients. The largest hour reductions shall be to lower acuity patients and the smallest hour reductions shall be to higher acuity patients. In doing so, the department shall comply with all maintenance of effort requirements contained in the American reinvestment and recovery act.

(b) \$3,070,000 of the general fund—state appropriation for fiscal year 2011 and \$4,980,000 of the general fund—federal appropriation are provided solely for the department to partially restore the reduction to in-home care that are taken in (a) of this subsection. The department will use the same formula to restore personal care hours that it used to reduce personal care hours.

(7) \$536,000 of the general fund—state appropriation for fiscal year 2010, \$1,477,000 of the general fund—state appropriation for fiscal year 2011, and \$2,830,000 of the general fund—federal appropriation are provided solely for health care benefits pursuant to a collective bargaining agreement negotiated with the exclusive bargaining representative of individual providers established under RCW 74.39A.270.

(8)(a) \$1,212,000 of the general fund—state appropriation for fiscal year 2010, \$2,934,000 of the general fund—state appropriation for fiscal year 2011, and \$2,982,000 of the general fund—federal appropriation are provided solely for the state's contribution to the training partnership, as provided in RCW 74.39A.360, pursuant to a collective bargaining agreement negotiated with the exclusive bargaining representative of individual providers established under RCW 74.39A.270.

(b) \$330,000 of the general fund—state appropriation for fiscal year 2010, \$660,000 of the general fund—state appropriation for fiscal year 2011, and \$810,000 of the general fund—federal appropriation are provided solely for transfer from the department to the training partnership, as provided in RCW 74.39A.360, for infrastructure and instructional costs associated with training of individual providers, pursuant to a collective bargaining agreement negotiated with the exclusive bargaining representative of individual providers established under RCW 74.39A.270.

(c) The federal portion of the amounts in this subsection is contingent upon federal approval of participation in contributions to the trust and shall remain unallotted and placed in reserve status until the office of financial management and the department of social and health services receive federal approval.

(d) Expenditures for the purposes specified in this subsection shall not exceed the amounts provided in this subsection.

(9) Within the amounts appropriated in this section, the department may expand the new freedom waiver program to accommodate new waiver recipients

throughout the state. As possible, and in compliance with current state and federal laws, the department shall allow current waiver recipients to transfer to the new freedom waiver.

(10) Individuals receiving services as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(11) \$3,955,000 of the general fund—state appropriation for fiscal year 2010, \$3,972,000 of the general fund—state appropriation for fiscal year 2011, and \$10,190,000 of the general fund—federal appropriation are provided solely for the continued operation of community residential and support services for persons who are older adults or who have co-occurring medical and behavioral disorders and who have been discharged or diverted from a state psychiatric hospital. These funds shall be used to serve individuals whose treatment needs constitute substantial barriers to community placement, who no longer require active psychiatric treatment at an inpatient hospital level of care, and who no longer meet the criteria for inpatient involuntary commitment. Coordination of these services will be done in partnership between the mental health program and the aging and disability services administration.

(12) Within the funds provided, the department shall continue to provide an add-on per medicaid resident day per facility not to exceed \$1.57. The add-on shall be used to increase wages, benefits, and/or staffing levels for certified nurse aides; or to increase wages and/or benefits for dietary aides, housekeepers, laundry aides, or any other category of worker whose statewide average dollars-per-hour wage was less than \$15 in calendar year 2008, according to cost report data. The add-on may also be used to address resulting wage compression for related job classes immediately affected by wage increases to low-wage workers. The department shall continue reporting requirements and a settlement process to ensure that the funds are spent according to this subsection. The department shall adopt rules to implement the terms of this subsection.

(13) \$1,840,000 of the general fund—state appropriation for fiscal year 2010 and \$1,759,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for operation of the volunteer services program. Funding shall be prioritized towards serving populations traditionally served by long-term care services to include senior citizens and persons with disabilities.

(14) In accordance with chapter 74.39 RCW, the department may implement two medicaid waiver programs for persons who do not qualify for such services as categorically needy, subject to federal approval and the following conditions and limitations:

(a) One waiver program shall include coverage of care in community residential facilities. Enrollment in the waiver shall not exceed 600 persons at any time.

(b) The second waiver program shall include coverage of in-home care. Enrollment in this second waiver shall not exceed 200 persons at any time.

(c) The department shall identify the number of medically needy nursing home residents, and enrollment and expenditures on each of the two medically needy waivers, on monthly management reports.

(d) If it is necessary to establish a waiting list for either waiver because the budgeted number of enrollment opportunities has been reached, the department

shall track how the long-term care needs of applicants assigned to the waiting list are met.

(15) The department shall establish waiting lists to the extent necessary to assure that annual expenditures on the community options program entry systems (COPEs) program do not exceed appropriated levels. In establishing and managing any such waiting list, the department shall assure priority access to persons with the greatest unmet needs, as determined by department assessment processes.

(16) The department shall contract for housing with service models, such as cluster care, to create efficiencies in service delivery and responsiveness to unscheduled personal care needs by clustering hours for clients that live in close proximity to each other.

(17) The department shall not pay a home care agency licensed under chapter 70.127 RCW for personal care services provided by a family member, pursuant to Substitute House Bill No. 2361 (modifying state payments for in-home care).

(18) \$209,000 of the general fund—state appropriation for fiscal year 2010, \$732,000 of the general fund—state appropriation for fiscal year 2011, and \$1,293,000 of the general fund—federal appropriation are provided solely to implement Engrossed House Bill No. 2194 (extraordinary medical placement for offenders). The department shall work in partnership with the department of corrections to identify services and find placements for offenders who are released through the extraordinary medical placement program. The department shall collaborate with the department of corrections to identify and track cost savings to the department of corrections, including medical cost savings and to identify and track expenditures incurred by the aging and disability services program for community services and by the medical assistance program for medical expenses. A joint report regarding the identified savings and expenditures shall be provided to the office of financial management and the appropriate fiscal committees of the legislature by November 30, 2010. If this bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(19) In accordance with RCW 18.51.050, 18.20.050, and 43.135.055, the department is authorized to increase nursing facility and boarding home fees in fiscal year 2011 as necessary to meet the actual costs of conducting the licensure, inspection, and regulatory programs.

(a) \$1,035,000 of the general fund—private/local appropriation assumes that the current annual renewal license fee for nursing facilities shall be increased to \$327 per bed beginning in fiscal year 2011.

(b) \$1,806,000 of the general fund—local appropriation assumes that the current annual renewal license fee for boarding homes shall be increased to \$106 per bed beginning in fiscal year 2011.

(20) \$2,566,000 of the traumatic brain injury account—state appropriation is provided solely to continue services for persons with traumatic brain injury (TBI) as defined in RCW 74.31.020 through 74.31.050. The TBI advisory council shall provide a report to the legislature by December 1, 2010, on the effectiveness of the functions overseen by the council and shall provide recommendations on the development of critical services for individuals with traumatic brain injury.

(21) The automatic award of additional hours of personal care for people with special meal preparation or incontinence needs is eliminated. Authorization of service hours will be based upon the individual's assessed needs.

(22) For calendar year 2009, the department shall calculate split settlements covering two periods January 1, 2009, through June 30, 2009, and July 1, 2009, through December 31, 2009. For the second period beginning July 1, 2009, the department may partially or totally waive settlements only in specific cases where a nursing home can demonstrate significant decreases in costs from the first period.

(23) \$72,000 of the traumatic brain injury account appropriation and \$116,000 of the general fund—federal appropriation are provided solely for a direct care rate add-on to any nursing facility specializing in the care of residents with traumatic brain injuries where more than 50 percent of residents are classified with this condition based upon the federal minimum data set assessment.

(24) \$69,000 of the general fund—state appropriation for fiscal year 2010, \$1,289,000 of the general fund—state appropriation for fiscal year 2011, and \$2,050,000 of the general fund—federal appropriation are provided solely for the department to maintain enrollment in the adult day health services program. New enrollments are authorized for up to 1,575 clients or to the extent that appropriated funds are available to cover additional clients.

(25) \$937,000 of the general fund—state appropriation for fiscal year 2011 is provided solely for the department to contract for the provision of an individual provider referral registry.

(26) \$94,000 of the general fund—state appropriation for fiscal year 2011 and \$100,000 of the general fund—federal appropriation are provided solely for the department to contract with a consultant to evaluate and make recommendations on a pay-for-performance payment subsidy system. The department shall organize one workgroup meeting with the consultant where nursing home stakeholders may provide input on pay-for-performance ideas. The consultant shall review pay-for-performance strategies used in other states to sustain and enhance quality-improvement efforts in nursing facilities. The evaluation shall include a review of the centers for medicare and medicaid services demonstration project to explore the feasibility of pay-for-performance systems in medicare certified nursing facilities. The consultant shall develop a report to include:

(a) Best practices used in other states for pay-for-performance strategies incorporated into medicaid nursing home payment systems;

(b) The relevance of existing research to Washington state;

(c) A summary and review of suggestions for pay-for-performance strategies provided by nursing home stakeholders in Washington state; and

(d) An evaluation of the effectiveness of a variety of performance measures.

(27) \$4,100,000 of the general fund—state appropriation for fiscal year 2010, \$4,174,000 of the general fund—state appropriation for fiscal year 2011, and \$8,124,000 of the general fund—federal appropriation are provided for the operation of the management services division of the aging and disability services administration. This includes but is not limited to the budget, contracts, accounting, decision support, information technology, and rate development

activities for programs administered by the aging and disability services administration. Nothing in this subsection is intended to exempt the management services division of the aging and disability services administration from reductions directed by the secretary. However, funds provided in this subsection shall not be transferred elsewhere within the department nor used for any other purpose.

(28) The department is authorized to place long-term care clients residing in nursing homes and paid for with state only funds into less restrictive community care settings while continuing to meet the client's care needs.

(29) In accordance with RCW 43.135.055, the department is authorized to adopt and increase the fees set forth in and previously authorized in section 206(19), chapter 37, Laws of 2010 1st sp.s.

Sec. 1107. 2011 c 5 s 206 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
ECONOMIC SERVICES PROGRAM**

General Fund—State Appropriation (FY 2010) . . . . .	\$564,242,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$540,549,000)</del>
	<u>\$567,683,000</u>
General Fund—Federal Appropriation . . . . .	<del>(\$1,219,423,000)</del>
	<u>\$1,268,032,000</u>
General Fund—Private/Local Appropriation . . . . .	\$37,816,000
Administrative Contingency Account—State Appropriation . . . . .	\$24,336,000
TOTAL APPROPRIATION . . . . .	<del>(\$2,386,366,000)</del>
	<u>\$2,462,109,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$303,393,000 of the general fund—state appropriation for fiscal year 2010, ~~(\$285,057,000)~~ \$285,699,000 of the general fund—state appropriation for fiscal year 2011 net of child support pass-through recoveries, \$24,336,000 of the administrative contingency account—state appropriation, and ~~(\$778,606,000)~~ \$863,146,000 of the general fund—federal appropriation are provided solely for all components of the WorkFirst program. The department shall use moneys from the administrative contingency account for WorkFirst job placement services provided by the employment security department. Within the amounts provided for the WorkFirst program, the department may provide assistance using state-only funds for families eligible for temporary assistance for needy families. In addition, within the amounts provided for WorkFirst the department shall:

(a) ~~(Establish a career services work transition program;~~

~~(b))~~ Continue to implement WorkFirst program improvements that are designed to achieve progress against outcome measures specified in RCW 74.08A.410. Outcome data regarding job retention and wage progression shall be reported quarterly to appropriate fiscal and policy committees of the legislature for families who leave assistance, measured after 12 months, 24 months, and 36 months. The department shall also report the percentage of families who have returned to temporary assistance for needy families after 12 months, 24 months, and 36 months;

~~((e))~~ (b) Submit a report electronically by October 1, 2009, to the fiscal committees of the legislature containing a spending plan for the WorkFirst program. The plan shall identify how spending levels in the 2009-2011 biennium will be adjusted to stay within available federal grant levels and the appropriated state-fund levels;

~~((d))~~ (c) Provide quarterly fiscal reports to the office of financial management and the legislative fiscal committees detailing information on the amount expended from general fund—state and general fund—federal by activity.

(2) The department may establish a career services work transition program.

(3) The department and the office of financial management shall electronically report quarterly the expenditures, maintenance of effort allotments, expenditure amounts, and caseloads for the WorkFirst program to the legislative fiscal committees.

~~((3))~~ (4) \$16,783,000 of the general fund—state appropriation for fiscal year 2011 and ~~((62,000,000))~~ \$19,027,000 of the general fund—federal appropriation are provided solely for all components of the WorkFirst program in order to maintain services to January 2011. The legislature intends to work with the governor to design and implement fiscal and programmatic modifications to provide for the sustainability of the program. The funding in this subsection assumes that no other expenditure reductions will be made prior to January 2011 other than those assumed in the appropriation levels in this act.

~~((4))~~ (5) \$94,322,000 of the general fund—state appropriation for fiscal year 2010 and ~~((76,979,000))~~ \$94,104,000 of the general fund—state appropriation for fiscal year 2011, net of recoveries, are provided solely for cash assistance and other services to recipients in the cash program pursuant to chapter 8, Laws of 2010 1st sp. sess. (security lifeline act), including persons in the unemployable, expedited, and aged, blind, and disabled components of the program. It is the intent of the legislature that the lifeline incapacity determination and progressive evaluation process regulations be carefully designed to accurately identify those persons who have been or will be incapacitated for at least ninety days. The incapacity determination and progressive evaluation process regulations in effect on January 1, 2010, cannot be amended until at least September 30, 2010; except that provisions related to the use of administrative review teams may be amended, and obsolete terminology and functional assessment language may be updated on or after July 1, 2010, in a manner that only minimally impacts the outcome of incapacity evaluations. After September 30, 2010, the incapacity determination and progressive evaluation process regulations may be amended only if the reports under (a) and (b) of this subsection have been submitted, and find that expenditures will exceed the appropriated level by three percent or more.

(a) The department and the caseload forecast council shall, by September 21, 2010, submit a report to the legislature based upon the most recent caseload forecast and actual expenditure data available, as to whether expenditures for the lifeline-unemployable grants in fiscal year 2011 will exceed \$69,648,000 for fiscal year 2011 in the 2010 supplemental operating budget by three percent or more. If expenditures will exceed the appropriated amount for lifeline-unemployable grants by three percent or more, the department may adopt

regulations modifying incapacity determination and progressive evaluation process regulations after September 30, 2010.

(b) On or before September 21, 2010, the department shall submit a report to the relevant policy and fiscal committees of the legislature that includes the following information regarding any regulations proposed for adoption that would modify the lifeline incapacity determination and progressive evaluation process:

- (i) A copy of the proposed changes and a concise description of the changes;
- (ii) A description of the persons who would likely be affected by adoption of the regulations, including their impairments, age, education, and work history;
- (iii) An estimate of the number of persons who, on a monthly basis through June 2013, would be denied lifeline benefits if the regulations were adopted, expressed as a number, as a percentage of total applicants, and as a percentage of the number of persons granted lifeline benefits in each month;
- (iv) An estimate of the number of persons who, on a monthly basis through June 2013, would have their lifeline benefits terminated following an eligibility review if the regulations were adopted, expressed as a number, as a percentage of the number of persons who have had an eligibility review in each month, and as a percentage of the total number of persons currently receiving lifeline-unemployable benefits in each month; and
- (v) Intended improvements in employment or treatment outcomes among persons receiving lifeline benefits that could be attributable to the changes in the regulations.

(c) Within these amounts:

- (i) The department shall aggressively pursue opportunities to transfer lifeline clients to general assistance expedited coverage and to facilitate client applications for federal supplemental security income when the client's incapacities indicate that he or she would be likely to meet the federal disability criteria for supplemental security income. The department shall initiate and file the federal supplemental security income interim agreement as quickly as possible in order to maximize the recovery of federal funds;
- (ii) The department shall review the lifeline caseload to identify recipients that would benefit from assistance in becoming naturalized citizens, and thus be eligible to receive federal supplemental security income benefits. Those cases shall be given high priority for naturalization funding through the department;
- (iii) The department shall actively coordinate with local workforce development councils to expedite access to worker retraining programs for lifeline clients in those regions of the state with the greatest number of such clients;
- (iv) By July 1, 2009, the department shall enter into an interagency agreement with the department of veterans' affairs to establish a process for referral of veterans who may be eligible for veteran's services. This agreement must include outstationing department of veterans' affairs staff in selected community service office locations in King and Pierce counties to facilitate applications for veterans' services; and

(v) In addition to any earlier evaluation that may have been conducted, the department shall intensively evaluate those clients who have been receiving lifeline benefits for twelve months or more as of July 1, 2009, or thereafter, if the available medical and incapacity related evidence indicates that the client is

unlikely to meet the disability standard for federal supplemental security income benefits. The evaluation shall identify services necessary to eliminate or minimize barriers to employment, including mental health treatment, substance abuse treatment and vocational rehabilitation services. The department shall expedite referrals to chemical dependency treatment, mental health and vocational rehabilitation services for these clients.

(vi) The appropriations in this subsection reflect a change in the earned income disregard policy for lifeline clients. It is the intent of the legislature that the department shall adopt the temporary assistance for needy families earned income policy for the lifeline program.

~~((5))~~ (6) \$750,000 of the general fund—state appropriation for fiscal year 2010 and \$500,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for naturalization services.

~~((6))~~ (7) \$3,550,000 of the general fund—state appropriation for fiscal year 2010 is provided solely for refugee employment services, of which \$2,650,000 is provided solely for the department to pass through to statewide refugee assistance organizations for limited English proficiency pathway services; and \$2,050,000 of the general fund—state appropriation for fiscal year 2011 is provided solely for refugee employment services, of which \$1,540,000 is provided solely for the department to pass through to statewide refugee assistance organizations for limited English proficiency pathway services.

~~((7))~~ (8) The appropriations in this section reflect reductions in the appropriations for the economic services administration's administrative expenses. It is the intent of the legislature that these reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or program.

~~((8))~~ (9) \$855,000 of the general fund—state appropriation for fiscal year 2011, \$719,000 of the general fund—federal appropriation, and \$2,907,000 of the general fund—private/local appropriation are provided solely for the implementation of the opportunity portal, the food stamp employment and training program, and the disability lifeline program under Second Substitute House Bill No. 2782 (security lifeline act). If the bill is not enacted by June 30, 2010, the amounts provided in this subsection shall lapse.

~~((9))~~ (10) \$100,000 of the general fund—state appropriation for fiscal year 2011 is provided solely for the department to award grants to small mutual assistance or small community-based organizations that contract with the department for immigrant and refugee assistance services. The funds shall be awarded to provide funding for community groups to provide transitional assistance, language skills, and other resources to improve refugees' economic self-sufficiency through the effective use of social services, financial services, and medical assistance.

~~((10))~~ (11) To ensure expenditures remain within available funds appropriated in this section, the legislature establishes the benefit under the state food assistance program, made pursuant to RCW 74.08A.120, to be fifty percent of the federal supplemental nutrition assistance program benefit amount.

**Sec. 1108.** 2011 c 5 s 207 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
ALCOHOL AND SUBSTANCE ABUSE PROGRAM**



General Fund—State Appropriation (FY 2010) . . . . .	\$81,982,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$77,065,000)</del>
	<u>\$77,818,000</u>
General Fund—Federal Appropriation . . . . .	<del>(\$151,574,000)</del>
	<u>\$152,619,000</u>
General Fund—Private/Local Appropriation . . . . .	\$2,718,000
Criminal Justice Treatment Account—State Appropriation . . . . .	\$17,743,000
Problem Gambling Account—State Appropriation . . . . .	\$1,456,000
TOTAL APPROPRIATION . . . . .	<del>(\$332,538,000)</del>
	<u>\$334,336,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Within the amounts appropriated in this section, the department may contract with the University of Washington and community-based providers for the provision of the parent-child assistance program. For all contractors, indirect charges for administering the program shall not exceed ten percent of the total contract amount.

(2) Within the amounts appropriated in this section, the department shall continue to provide for chemical dependency treatment services for adult medicaid eligible and general assistance-unemployable patients.

(3) In addition to other reductions, the appropriations in this section reflect reductions targeted specifically to state government administrative costs. These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

(4) Funding is provided for the implementation of the lifeline program under Second Substitute House Bill No. 2782 (security lifeline act). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

(5) \$3,500,000 of the general fund—federal appropriation (from the substance abuse prevention and treatment federal block grant) is provided solely for the continued funding of existing county drug and alcohol use prevention programs.

**Sec. 1109.** 2011 c 5 s 208 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
MEDICAL ASSISTANCE PROGRAM**

General Fund—State Appropriation (FY 2010) . . . . .	\$1,697,203,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$1,737,303,000)</del>
	<u>\$1,814,985,000</u>
General Fund—Federal Appropriation . . . . .	<del>(\$6,047,405,000)</del>
	<u>\$5,903,131,000</u>
General Fund—Private/Local Appropriation . . . . .	<del>(\$38,509,000)</del>
	<u>\$37,247,000</u>
Emergency Medical Services and Trauma Care Systems Trust Account—State Appropriation . . . . .	\$15,075,000
Tobacco Prevention and Control Account— State Appropriation . . . . .	<del>(\$4,464,000)</del>
	<u>\$3,798,000</u>

**Ch. 50**                      **WASHINGTON LAWS, 2011 Sp. Sess.**

Hospital Safety Net Assessment Fund—State	
Appropriation . . . . .	(\$260,057,000))
	<u>\$254,974,000</u>
TOTAL APPROPRIATION . . . . .	(\$9,800,016,000))
	<u>\$9,726,413,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Based on quarterly expenditure reports and caseload forecasts, if the department estimates that expenditures for the medical assistance program will exceed the appropriations, the department shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

(2) In determining financial eligibility for medicaid-funded services, the department is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(3) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(4) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the department shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

(5) (~~In accordance with RCW 74.46.625,~~) \$6,000,000 of the general fund—federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate-setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments. The supplemental payments are subject to retrospective interim and final cost settlements based on the nursing homes' as-filed and final medicare cost reports. The timing of the interim and final cost settlements shall be at the department's discretion. During either the interim cost settlement or the final cost settlement, the department shall recoup from the public hospital districts the supplemental payments that exceed the medicaid cost limit and/or the medicare upper payment limit. The department shall apply federal rules for identifying the eligible incurred medicaid costs and the medicare upper payment limit.

(6) \$649,000 of the general fund—federal appropriation and \$644,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for grants to rural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically

indigent patients, and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(7) \$5,729,000 of the general fund—state appropriation for fiscal year 2011, and \$5,776,000 of the general fund—federal appropriation are provided solely for grants to nonrural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients, and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(8) The department shall continue the inpatient hospital certified public expenditures program for the 2009-11 biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. The department shall submit reports to the governor and legislature by November 1, 2009, and by November 1, 2010, that evaluate whether savings continue to exceed costs for this program. If the certified public expenditures (CPE) program in its current form is no longer cost-effective to maintain, the department shall submit a report to the governor and legislature detailing cost-effective alternative uses of local, state, and federal resources as a replacement for this program. During fiscal year 2010 and fiscal year 2011, hospitals in the program shall be paid and shall retain one hundred percent of the federal portion of the allowable hospital cost for each medicaid inpatient fee-for-service claim payable by medical assistance and one hundred percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. Inpatient medicaid payments shall be established using an allowable methodology that approximates the cost of claims submitted by the hospitals. Payments made to each hospital in the program in each fiscal year of the biennium shall be compared to a baseline amount. The baseline amount will be determined by the total of (a) the inpatient claim payment amounts that would have been paid during the fiscal year had the hospital not been in the CPE program based on the reimbursement rates developed, implemented, and consistent with policies approved in the 2009-11 biennial operating appropriations act (chapter 564, Laws of 2009) and in effect on July 1, 2009, (b) one half of the indigent assistance disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005, and (c) all of the other disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005 to the extent the same disproportionate share hospital programs exist in the 2009-11 biennium. If payments during the fiscal year exceed the hospital's baseline amount, no additional payments will be made to the hospital except the federal portion of allowable disproportionate share hospital payments for which the hospital can certify allowable match. If payments during the fiscal year are less than the baseline amount, the hospital will be paid a state grant equal to the difference between payments during the fiscal year and the applicable baseline amount. Payment of the state grant shall be made in the applicable fiscal year and distributed in monthly payments. The grants will be recalculated and redistributed as the baseline is updated during the fiscal year. The grant payments are subject to an interim settlement within eleven months after the end of the fiscal year. A final settlement shall be performed. To the extent that either

settlement determines that a hospital has received funds in excess of what it would have received as described in this subsection, the hospital must repay the excess amounts to the state when requested. \$20,403,000 of the general fund—state appropriation for fiscal year 2010, of which \$6,570,000 is appropriated in section ~~((204(1)))~~ 1104(1) of this act, and ~~((29,480,000))~~ \$15,113,000 of the general fund—state appropriation for fiscal year 2011, of which \$6,570,000 is appropriated in section ~~((204(1)))~~ 1104(1) of this act, are provided solely for state grants for the participating hospitals. CPE hospitals will receive the inpatient and outpatient reimbursement rate restorations in section 9 and rate increases in section 10(1)(b) of Engrossed Second Substitute House Bill No. 2956 (hospital safety net assessment) funded through the hospital safety net assessment fund rather than through the baseline mechanism specified in this subsection.

(9) The department is authorized to use funds appropriated in this section to purchase goods and supplies through direct contracting with vendors when the department determines it is cost-effective to do so.

(10) \$93,000 of the general fund—state appropriation for fiscal year 2010 and \$93,000 of the general fund—federal appropriation are provided solely for the department to pursue a federal Medicaid waiver pursuant to Second Substitute Senate Bill No. 5945 (Washington health partnership plan). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(11) The department shall require managed health care systems that have contracts with the department to serve medical assistance clients to limit any reimbursements or payments the systems make to providers not employed by or under contract with the systems to no more than the medical assistance rates paid by the department to providers for comparable services rendered to clients in the fee-for-service delivery system.

(12) A maximum of ~~((241,141,000))~~ \$247,809,000 in total funds from the general fund—state, general fund—federal, and tobacco and prevention control account—state appropriations may be expended in the fiscal biennium for the medical program pursuant to chapter 8, Laws of 2010 1st sp. sess. (security lifeline act), and these amounts are provided solely for this program. Of these amounts, \$10,749,000 of the general fund—state appropriation for fiscal year 2010 and \$10,892,000 of the general fund—federal appropriation are provided solely for payments to hospitals for providing outpatient services to low income patients who are recipients of lifeline benefits. Pursuant to RCW 74.09.035, the department shall not expend for the lifeline medical care services program any amounts in excess of the amounts provided in this subsection.

(13) Mental health services shall be included in the services provided through the managed care system for lifeline clients under chapter 8, Laws of 2010 1st sp. sess. In transitioning lifeline clients to managed care, the department shall attempt to deliver care to lifeline clients through medical homes in community and migrant health centers. The department, in collaboration with the carrier, shall seek to improve the transition rate of lifeline clients to the federal supplemental security income program. The department shall renegotiate the contract with the managed care plan that provides services for lifeline clients to maximize state retention of future hospital savings as a

result of improved care coordination. The department, in collaboration with stakeholders, shall propose a new name for the lifeline program.

(14) The department shall evaluate the impact of the use of a managed care delivery and financing system on state costs and outcomes for lifeline medical clients. Outcomes measured shall include state costs, utilization, changes in mental health status and symptoms, and involvement in the criminal justice system.

(15) The department shall report to the governor and the fiscal committees of the legislature by June 1, 2010, on its progress toward achieving a twenty percentage point increase in the generic prescription drug utilization rate.

(16) State funds shall not be used by hospitals for advertising purposes.

(17) \$24,356,000 of the general fund—private/local appropriation and \$35,707,000 of the general fund—federal appropriation are provided solely for the implementation of professional services supplemental payment programs. The department shall seek a medicaid state plan amendment to create a professional services supplemental payment program for University of Washington medicine professional providers no later than July 1, 2009. The department shall apply federal rules for identifying the shortfall between current fee-for-service medicaid payments to participating providers and the applicable federal upper payment limit. Participating providers shall be solely responsible for providing the local funds required to obtain federal matching funds. Any incremental costs incurred by the department in the development, implementation, and maintenance of this program will be the responsibility of the participating providers. Participating providers will retain the full amount of supplemental payments provided under this program, net of any potential costs for any related audits or litigation brought against the state. The department shall report to the governor and the legislative fiscal committees on the prospects for expansion of the program to other qualifying providers as soon as feasibility is determined but no later than December 31, 2009. The report will outline estimated impacts on the participating providers, the procedures necessary to comply with federal guidelines, and the administrative resource requirements necessary to implement the program. The department will create a process for expansion of the program to other qualifying providers as soon as it is determined feasible by both the department and providers but no later than June 30, 2010.

(18) \$9,075,000 of the general fund—state appropriation for fiscal year 2010, \$8,588,000 of the general fund—state appropriation for fiscal year 2011, and \$39,747,000 of the general fund—federal appropriation are provided solely for development and implementation of a replacement system for the existing medicaid management information system. The amounts provided in this subsection are conditioned on the department satisfying the requirements of section 902 of this act.

(19) \$506,000 of the general fund—state appropriation for fiscal year 2011 and \$657,000 of the general fund—federal appropriation are provided solely for the implementation of Second Substitute House Bill No. 1373 (children's mental health). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(20) Pursuant to 42 U.S.C. Sec. 1396(a)(25), the department shall pursue insurance claims on behalf of medicaid children served through its in-home

medically intensive child program under WAC 388-551-3000. The department shall report to the Legislature by December 31, 2009, on the results of its efforts to recover such claims.

(21) The department may, on a case-by-case basis and in the best interests of the child, set payment rates for medically intensive home care services to promote access to home care as an alternative to hospitalization. Expenditures related to these increased payments shall not exceed the amount the department would otherwise pay for hospitalization for the child receiving medically intensive home care services.

(22) \$425,000 of the general fund—state appropriation for fiscal year 2010 and \$790,000 of the general fund—federal appropriation are provided solely to continue children's health coverage outreach and education efforts under RCW 74.09.470. These efforts shall rely on existing relationships and systems developed with local public health agencies, health care providers, public schools, the women, infants, and children program, the early childhood education and assistance program, child care providers, newborn visiting nurses, and other community-based organizations. The department shall seek public-private partnerships and federal funds that are or may become available to provide on-going support for outreach and education efforts under the federal children's health insurance program reauthorization act of 2009.

(23) The department, in conjunction with the office of financial management, shall implement a prorated inpatient payment policy.

(24) The department will pursue a competitive procurement process for antihemophilic products, emphasizing evidence-based medicine and protection of patient access without significant disruption in treatment.

(25) The department will pursue several strategies towards reducing pharmacy expenditures including but not limited to increasing generic prescription drug utilization by 20 percentage points and promoting increased utilization of the existing mail-order pharmacy program.

(26) The department shall reduce reimbursement for over-the-counter medications while maintaining reimbursement for those over-the-counter medications that can replace more costly prescription medications.

(27) The department shall seek public-private partnerships and federal funds that are or may become available to implement health information technology projects under the federal American recovery and reinvestment act of 2009.

(28) The department shall target funding for maternity support services towards pregnant women with factors that lead to higher rates of poor birth outcomes, including hypertension, a preterm or low birth weight birth in the most recent previous birth, a cognitive deficit or developmental disability, substance abuse, severe mental illness, unhealthy weight or failure to gain weight, tobacco use, or African American or Native American race. The department shall prioritize evidence-based practices for delivery of maternity support services. To the extent practicable, the department shall develop a mechanism to increase federal funding for maternity support services by leveraging local public funding for those services.

(29) \$260,036,000 of the hospital safety net assessment fund—state appropriation and \$255,448,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Second Substitute House

Bill No. 2956 (hospital safety net assessment). If the bill is not enacted by June 30, 2010, the amounts provided in this subsection shall lapse.

(30) \$79,000 of the general fund—state appropriation for fiscal year 2010 and \$53,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 1845 (medical support obligations).

(31) \$63,000 of the general fund—state appropriation for fiscal year 2010, \$583,000 of the general fund—state appropriation for fiscal year 2011, and \$864,000 of the general fund—federal appropriation are provided solely to implement Engrossed House Bill No. 2194 (extraordinary medical placement for offenders). The department shall work in partnership with the department of corrections to identify services and find placements for offenders who are released through the extraordinary medical placement program. The department shall collaborate with the department of corrections to identify and track cost savings to the department of corrections, including medical cost savings, and to identify and track expenditures incurred by the aging and disability services program for community services and by the medical assistance program for medical expenses. A joint report regarding the identified savings and expenditures shall be provided to the office of financial management and the appropriate fiscal committees of the legislature by November 30, 2010. If this bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(32) \$73,000 of the general fund—state appropriation for fiscal year 2011 and \$50,000 of the general fund—federal appropriation is provided solely for supplemental services that will be provided to offenders in lieu of a prison sentence pursuant to chapter 224, Laws of 2010 (Substitute Senate Bill No. 6639).

(33) Sufficient amounts are provided in this section to provide full benefit dual eligible beneficiaries with medicare part D prescription drug copayment coverage in accordance with RCW 74.09.520 until December 31, 2010.

(34) In addition to other reductions, the appropriations in this section reflect reductions targeted specifically to state government administrative costs. These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect providers, direct client services, or direct service delivery or programs.

(35) \$331,000 of the general fund—state appropriation for fiscal year 2010, \$331,000 of the general fund—state appropriation for fiscal year 2011, and \$1,228,000 of the general fund—federal appropriation are provided solely for the department to support the activities of the Washington poison center. The department shall seek federal authority to receive matching funds from the federal government through the children's health insurance program.

(36) \$528,000 of the general fund—state appropriation and \$2,955,000 of the general fund—federal appropriation are provided solely for the implementation of the lifeline program under chapter 8, Laws of 2010 1st sp. sess. (security lifeline act).

(37) Reductions in dental services are to be achieved by focusing on the fastest growing areas of dental care. Reductions in preventative care, particularly for children, will be avoided to the extent possible.

(38) \$1,307,000 of the general fund—state appropriation for fiscal year 2011 and \$1,770,000 of the general fund—federal appropriation are provided

solely to continue to provide dental services in calendar year 2011 for qualifying adults with developmental disabilities. Services shall include preventive, routine, and emergent dental care, and support for continued operation of the dental education in care of persons with disabilities (DECOD) program at the University of Washington.

(39) The department shall develop the capability to implement apple health for kids express lane eligibility enrollments for children receiving basic food assistance by June 30, 2011.

(40)(a) The department, in coordination with the health care authority, shall actively continue to negotiate a medicaid section 1115 waiver with the federal centers for medicare and medicaid services that would provide federal matching funds for services provided to persons enrolled in the basic health plan under chapter 70.47 RCW and the medical care services program under RCW 74.09.035.

(b) If the waiver in (a) of this subsection is granted, the department and the health care authority may implement the waiver if it allows the program to remain within appropriated levels, after providing notice of its terms and conditions to the relevant policy and fiscal committees of the legislature in writing thirty days prior to the planned implementation date of the waiver.

(41) \$704,000 of the general fund—state appropriation for fiscal year 2010, \$812,000 of the general fund—state appropriation for fiscal year 2011, and \$1,516,000 of the general fund—federal appropriation are provided solely for maintaining employer-sponsored insurance program staff, coordination of benefits unit staff, the payment integrity audit team, and family planning nursing.

(42) Every effort shall be made to maintain current employment levels and achieve administrative savings through vacancies and employee attrition. Efficiencies shall be implemented as soon as possible in order to minimize actual reduction in force. The department shall implement a management strategy that minimizes disruption of service and negative impacts on employees.

(43) \$1,199,000 of the general fund—private/local appropriation for fiscal year 2011 and \$1,671,000 of the general fund—federal appropriation are provided solely to support medical airlift services.

(44) \$5,000,000 of the general fund—state appropriation for fiscal year 2011 and \$7,191,000 of the general fund—federal appropriation are provided solely for payments to federally qualified health clinics and rural health centers under a new alternative payment methodology that ~~((the department shall develop in consultation with the legislature and the office of financial management))~~ reimburses the clinics and centers at rates that are five percent higher than the rates that would be provided under the federal prospective payment system.

(45) \$33,000 of the general fund—state appropriation for fiscal year 2011 and \$61,000 of the general fund—federal appropriation are provided solely to continue operation by a nonprofit organization of a toll-free line that assists families to learn about and enroll in apple health for kids, which provides publicly funded medical and dental care for families with incomes below 300 percent of the federal poverty level.

(46) \$150,000 of the general fund—state appropriation for fiscal year 2011 and \$150,000 of the general fund—federal appropriation are provided solely for



initiation of a prescriptive practices improvement collaborative focusing upon atypical antipsychotics and other medications commonly used in the treatment of severe and persistent mental illnesses among adults. The project shall promote collaboration among community mental health centers, other major prescribers of atypical antipsychotic medications to adults enrolled in state medical assistance programs, and psychiatrists, pharmacists, and other specialists at the University of Washington department of psychiatry and/or other research universities. The collaboration shall include patient-specific prescriber consultations by psychiatrists and pharmacists specializing in treatment of severe and persistent mental illnesses among adults; production of profiles to assist prescribers and clinics track their prescriptive practices and their patients' medication use and adherence relative to evidence-based practice guidelines, other prescribers, and patients at other clinics; and in-service seminars at which participants can share and increase their knowledge of evidence-based and other effective prescriptive practices. (47) \$75,000 of the general fund—state appropriation for fiscal year 2011 and \$75,000 of the general fund—federal appropriation are provided solely to assist with development and implementation of evidence-based strategies regarding the appropriate, safe, and effective role of C-section surgeries and early induced labor in births and neonatal care. The strategies shall be identified and implemented in consultation with clinical research specialists, physicians, hospitals, advanced registered nurse practitioners, and organizations concerned with maternal and child health.

(48) \$700,000 of the general fund—state appropriation for fiscal year 2011 and \$700,000 of the general fund—federal appropriation are provided solely to pay federally designated rural health clinics their full encounter rate for prenatal and well-child visits, whether delivered under a managed care contract or fee-for-service, effective January 1, 2011. In reconciling managed care enhancement payments for calendar year 2009, the department shall treat well-child and prenatal care visits as encounters subject to the clinic's encounter rate.

**Sec. 1110.** 2011 c 5 s 209 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
VOCATIONAL REHABILITATION PROGRAM**

General Fund—State Appropriation (FY 2010) . . . . .	\$10,327,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$9,443,000)</del>
	<u>\$9,438,000</u>
General Fund—Federal Appropriation . . . . .	\$107,848,000
Telecommunications Devices for the Hearing and Speech Impaired—State Appropriation . . . . .	\$6,056,000
<b>TOTAL APPROPRIATION . . . . .</b>	<del><b>(\$133,674,000)</b></del>
	<u><b>\$133,669,000</b></u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) The vocational rehabilitation program shall coordinate closely with the economic services program to serve lifeline clients under chapter 8, Laws of 2010 1st sp. sess. who are referred for eligibility determination and vocational rehabilitation services, and shall make every effort, within the requirements of the federal rehabilitation act of 1973, to serve these clients.

(2) \$80,000 of the telecommunications devices for the hearing and speech impaired account—state appropriation is provided solely for the office of deaf and hard of hearing to enter into an interagency agreement with the department of services for the blind to support contracts for services that provide employment support and help with life activities for deaf-blind individuals in King county.

Sec. 1111. 2011 c 5 s 210 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
SPECIAL COMMITMENT PROGRAM**

General Fund—State Appropriation (FY 2010) . . . . .	\$48,827,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$48,536,000)</del>
	<u>\$49,131,000</u>
TOTAL APPROPRIATION . . . . .	<del>(\$97,363,000)</del>
	<u>\$97,958,000</u>

Sec. 1112. 2011 c 5 s 211 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund—State Appropriation (FY 2010) . . . . .	\$33,579,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$27,745,000)</del>
	<u>\$25,308,000</u>
General Fund—Federal Appropriation . . . . .	<del>(\$51,304,000)</del>
	<u>\$49,594,000</u>
General Fund—Private/Local Appropriation . . . . .	\$1,121,000
Institutional Impact Account—State Appropriation . . . . .	\$22,000
TOTAL APPROPRIATION . . . . .	<del>(\$113,771,000)</del>
	<u>\$109,624,000</u>

The appropriations in this section are subject to the following conditions and limitations: In addition to other reductions, the appropriations in this section reflect reductions targeted specifically to state government administrative costs. These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

(1) \$333,000 of the general fund—state appropriation for fiscal year 2010 and ~~(\$300,000)~~ \$281,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for the Washington state mentors program to continue its public-private partnerships to provide technical assistance and training to mentoring programs that serve at-risk youth.

(2) \$445,000 of the general fund—state appropriation for fiscal year 2010 and ~~(\$445,000)~~ \$417,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for funding of the teamchild project through the governor's juvenile justice advisory committee.

(3) \$178,000 of the general fund—state appropriation for fiscal year 2010 and ~~(\$178,000)~~ \$167,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for the juvenile detention alternatives initiative.

(4) Amounts appropriated in this section reflect a reduction to the family policy council. The family policy council shall reevaluate staffing levels and

administrative costs to ensure to the extent possible a maximum ratio of grant moneys provided and administrative costs.

(5) Amounts appropriated in this section reflect a reduction to the council on children and families. The council on children and families shall reevaluate staffing levels and administrative costs to ensure to the extent possible a maximum ratio of grant moneys provided and administrative costs.

Sec. 1113. 2011 c 5 s 212 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
PAYMENTS TO OTHER AGENCIES PROGRAM**

General Fund—State Appropriation (FY 2010) . . . . .	\$61,985,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$63,793,000)</del>
	<u>\$65,210,000</u>
General Fund—Federal Appropriation . . . . .	<del>(\$56,855,000)</del>
	<u>\$56,321,000</u>
TOTAL APPROPRIATION . . . . .	<del>(\$182,633,000)</del>
	<u>\$183,516,000</u>

Sec. 1114. 2011 c 5 s 213 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE AUTHORITY**

General Fund—State Appropriation (FY 2010) . . . . .	\$208,258,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$108,749,000)</del>
	<u>\$108,896,000</u>
General Fund—Federal Appropriation . . . . .	<del>(\$31,975,000)</del>
	<u>\$34,922,000</u>
State Health Care Authority Administration Account—	
State Appropriation . . . . .	\$34,880,000
Medical Aid Account—State Appropriation . . . . .	\$527,000
Basic Health Plan Stabilization Account—State	
Appropriation . . . . .	\$6,000,000
TOTAL APPROPRIATION . . . . .	<del>(\$390,389,000)</del>
	<u>\$393,483,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Within amounts appropriated in this section and sections 205 and 206 of this act, the health care authority shall continue to provide an enhanced basic health plan subsidy for foster parents licensed under chapter 74.15 RCW and workers in state-funded home care programs. Under this enhanced subsidy option, foster parents eligible to participate in the basic health plan as subsidized enrollees and home care workers with family incomes below 200 percent of the federal poverty level shall be allowed to enroll in the basic health plan at the minimum premium amount charged to enrollees with incomes below sixty-five percent of the federal poverty level.

(2) The health care authority shall require organizations and individuals that are paid to deliver basic health plan services and that choose to sponsor enrollment in the subsidized basic health plan to pay 133 percent of the premium amount which would otherwise be due from the sponsored enrollees.

(3) The administrator shall take at least the following actions to assure that persons participating in the basic health plan are eligible for the level of

assistance they receive: (a) Require submission of (i) income tax returns, and recent pay history, from all applicants, or (ii) other verifiable evidence of earned and unearned income from those persons not required to file income tax returns; (b) check employment security payroll records at least once every twelve months on all enrollees; (c) require enrollees whose income as indicated by payroll records exceeds that upon which their subsidy is based to document their current income as a condition of continued eligibility; (d) require enrollees for whom employment security payroll records cannot be obtained to document their current income at least once every six months; (e) not reduce gross family income for self-employed persons by noncash-flow expenses such as, but not limited to, depreciation, amortization, and home office deductions, as defined by the United States internal revenue service; and (f) pursue repayment and civil penalties from persons who have received excessive subsidies, as provided in RCW 70.47.060(9).

(4)(a) In order to maximize the funding appropriated for the basic health plan, the health care authority is directed to make modifications that will reduce the total number of subsidized enrollees to approximately 65,000 by January 1, 2010. In addition to the reduced enrollment, other modifications may include changes in enrollee premium obligations, changes in benefits, enrollee cost-sharing, and termination of the enrollment of individuals concurrently enrolled in a medical assistance program as provided in Substitute House Bill No. 2341.

(b) The health care authority shall coordinate with the department of social and health services to negotiate a medicaid section 1115 waiver with the federal centers for medicare and medicaid services that would provide matching funds for services provided to persons enrolled in the basic health plan under chapter 70.47 RCW.

(c) If the waiver in (b) of this subsection is granted, the health care authority may implement the waiver if it allows the program to remain within appropriated levels, after providing notice of its terms and conditions to the relevant policy and fiscal committees of the legislature in writing thirty days prior to the planned implementation date of the waiver.

(5) \$250,000 of the general fund—state appropriation for fiscal year 2010 and \$250,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for the implementation of Substitute Senate Bill No. 5360 (community collaboratives). If the bill is not enacted by June 30, 2009, the amounts provided in this section shall lapse.

(6) The authority shall seek public-private partnerships and federal funds that are or may become available to implement health information technology projects under the federal American recovery and reinvestment act of 2009.

(7) \$20,000 of the general fund—state appropriation for fiscal year 2010 and \$63,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for the implementation of chapter 220, Laws of 2010 (accountable care organizations).

(8) As soon as practicable after February 28, 2011, enrollment in the subsidized basic health plan shall be limited to only include persons who qualify as subsidized enrollees as defined in RCW 70.47.020 and who (a) qualify for services under 1115 medicaid demonstration project number 11-W-00254/10; or (b) are foster parents licensed under chapter 74.15 RCW.

(9) \$1,500,000 of the general fund—federal appropriation is provided solely for planning and implementation of a health benefit exchange under the federal patient protection and affordable care act. Within the amounts provided in this subsection, funds used by the authority for information technology projects are conditioned on the authority satisfying the requirements of section 902, chapter 564, Laws of 2009.

**Sec. 1115.** 2011 c 5 s 214 (uncodified) is amended to read as follows:

**FOR THE HUMAN RIGHTS COMMISSION**

General Fund—State Appropriation (FY 2010) . . . . .	\$2,638,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$2,353,000)</del>
	<u>\$2,350,000</u>
General Fund—Federal Appropriation . . . . .	\$1,584,000
TOTAL APPROPRIATION . . . . .	<del>(\$6,575,000)</del>
	<u>\$6,572,000</u>

**Sec. 1116.** 2011 c 5 s 215 (uncodified) is amended to read as follows:

**FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**

General Fund—State Appropriation (FY 2010) . . . . .	\$17,273,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$16,721,000)</del>
	<u>\$16,803,000</u>
General Fund—Federal Appropriation . . . . .	\$143,000
General Fund—Private/Local Appropriation . . . . .	<del>(\$1,378,000)</del>
	<u>\$1,382,000</u>
Death Investigations Account—State Appropriation . . . . .	\$148,000
Municipal Criminal Justice Assistance Account—	
State Appropriation . . . . .	\$460,000
Washington Auto Theft Prevention Authority Account—	
State Appropriation . . . . .	\$6,432,000
TOTAL APPROPRIATION . . . . .	<del>(\$42,555,000)</del>
	<u>\$42,641,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,191,000 of the general fund—state appropriation for fiscal year 2010 is provided solely for the Washington association of sheriffs and police chiefs to continue to develop, maintain, and operate the jail booking and reporting system (JBRS) and the statewide automated victim information and notification system (SAVIN).

(2) \$5,000,000 of the general fund—state appropriation for fiscal year 2010 and \$5,000,000 of the general fund—state appropriation for fiscal year 2011, are provided to the Washington association of sheriffs and police chiefs solely to verify the address and residency of registered sex offenders and kidnapping offenders under RCW 9A.44.130. The Washington association of sheriffs and police chiefs shall:

- (a) Enter into performance-based agreements with units of local government to ensure that registered offender address and residency are verified:
  - (i) For level I offenders, every twelve months;
  - (ii) For level II offenders, every six months; and
  - (iii) For level III offenders, every three months.

For the purposes of this subsection, unclassified offenders and kidnapping offenders shall be considered at risk level I unless in the opinion of the local jurisdiction a higher classification is in the interest of public safety.

(b) Collect performance data from all participating jurisdictions sufficient to evaluate the efficiency and effectiveness of the address and residency verification program; and

(c) Submit a report on the effectiveness of the address and residency verification program to the governor and the appropriate committees of the house of representatives and senate by December 31, each year.

The Washington association of sheriffs and police chiefs may retain up to three percent of the amount provided in this subsection for the cost of administration. Any funds not disbursed for address and residency verification or retained for administration may be allocated to local prosecutors for the prosecution costs associated with failing-to-register offenses.

(3) \$30,000 of the general fund—state appropriation for fiscal year 2010 is provided solely for the implementation of Second Substitute House Bill No. 2078 (persons with developmental disabilities in correctional facilities or jails). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(4) (~~(\$171,000)~~) \$75,000 of the general fund—local appropriation is provided solely to purchase ammunition for the basic law enforcement academy. Jurisdictions with one hundred or more full-time commissioned officers shall reimburse to the criminal justice training commission the costs of ammunition, based on the average cost of ammunition per cadet, for cadets that they enroll in the basic law enforcement academy.

(5) The criminal justice training commission may not run a basic law enforcement academy class of fewer than 30 students.

**Sec. 1117.** 2011 c 5 s 216 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

General Fund—State Appropriation (FY 2010) . . . . .	\$24,975,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$18,120,000)</del>
	<u>\$17,876,000</u>
General Fund—Federal Appropriation . . . . .	\$11,316,000
Asbestos Account—State Appropriation . . . . .	\$923,000
Electrical License Account—State Appropriation . . . . .	\$36,977,000
Farm Labor Revolving Account—Private/Local Appropriation . . . . .	\$28,000
Worker and Community Right-to-Know Account—	
State Appropriation . . . . .	\$1,987,000
Public Works Administration Account—State	
Appropriation . . . . .	\$6,021,000
Manufactured Home Installation Training Account—	
State Appropriation . . . . .	<del>(\$143,000)</del>
	<u>\$135,000</u>
Accident Account—State Appropriation . . . . .	\$250,509,000
Accident Account—Federal Appropriation . . . . .	\$13,621,000
Medical Aid Account—State Appropriation . . . . .	\$249,232,000
Medical Aid Account—Federal Appropriation . . . . .	\$3,186,000
Plumbing Certificate Account—State Appropriation . . . . .	\$1,704,000

Pressure Systems Safety Account—State Appropriation . . . . .	\$4,144,000
TOTAL APPROPRIATION . . . . .	<del>(\$622,886,000)</del>
	<u>\$622,634,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Pursuant to RCW 43.135.055, the department is authorized to increase fees related to factory assembled structures, contractor registration, electricians, plumbers, asbestos removal, boilers, elevators, and manufactured home installers. These increases are necessary to support expenditures authorized in this section, consistent with chapters 43.22, 18.27, 19.28, and 18.106 RCW, RCW 49.26.130, and chapters 70.79, 70.87, and 43.22A RCW.

(2) \$424,000 of the accident account—state appropriation and \$76,000 of the medical aid account—state appropriation are provided solely for implementation of a community agricultural worker safety grant at the department of agriculture. The department shall enter into an interagency agreement with the department of agriculture to implement the grant.

(3) \$4,850,000 of the medical aid account--state appropriation is provided solely to continue the program of safety and health as authorized by RCW 49.17.210 to be administered under rules adopted pursuant to chapter 34.05 RCW, provided that projects funded involve workplaces insured by the medical aid fund, and that priority is given to projects fostering accident prevention through cooperation between employers and employees or their representatives.

(4) \$150,000 of the medical aid account--state appropriation is provided solely for the department to contract with one or more independent experts to evaluate and recommend improvements to the rating plan under chapter 51.18 RCW, including analyzing how risks are pooled, the effect of including worker premium contributions in adjustment calculations, incentives for accident and illness prevention, return-to-work practices, and other sound risk-management strategies that are consistent with recognized insurance principles.

(5) The department shall continue to conduct utilization reviews of physical and occupational therapy cases at the 24th visit. The department shall continue to report performance measures and targets for these reviews on the agency web site. The reports are due September 30th for the prior fiscal year and must include the amount spent and the estimated savings per fiscal year.

(6) The appropriations in this section reflect reductions in the appropriations for the department of labor and industries' administrative expenses. It is the intent of the legislature that these reductions shall be achieved, to the greatest extent possible, by reducing administrative costs only.

(7) \$500,000 of the accident account—state appropriation is provided solely for the department to contract with one or more independent experts to oversee and assist the department's implementation of improvements to the rating plan under chapter 51.18 RCW, in collaboration with the department and with the department's work group of retrospective rating and workers' compensation stakeholders. The independent experts will validate the impact of recommended changes on retrospective rating participants and nonparticipants, confirm implementation technology changes, and provide other implementation assistance as determined by the department.

(8) \$194,000 of the accident account—state appropriation and \$192,000 of the medical aid account—state appropriation are provided solely for implementation of Senate Bill No. 5346 (health care administrative procedures).

(9) \$131,000 of the accident account—state appropriation and \$128,000 of the medical aid account—state appropriation are provided solely for implementation of Senate Bill No. 5613 (stop work orders).

(10) \$68,000 of the accident account—state appropriation and \$68,000 of the medical aid account—state appropriation are provided solely for implementation of Senate Bill No. 5688 (registered domestic partners).

(11) \$320,000 of the accident account—state appropriation and \$147,000 of the medical aid account—state appropriation are provided solely for implementation of Senate Bill No. 5873 (apprenticeship utilization).

(12) \$73,000 of the general fund—state appropriation for fiscal year 2010, \$66,000 of the general fund—state appropriation for fiscal year 2011, \$606,000 of the accident account—state appropriation, and \$600,000 of the medical aid account—state appropriation are provided solely for the implementation of House Bill No. 1555 (underground economy).

(13) \$574,000 of the accident account—state appropriation and \$579,000 of the medical account—state appropriation are provided solely for the implementation of House Bill No. 1402 (industrial insurance appeals).

(14) Within statutory guidelines, the boiler program shall explore opportunities to increase program efficiency. Strategies may include the consolidation of routine multiple inspections to the same site and trip planning to ensure the least number of miles traveled.

(15) \$16,000 of the general fund—state appropriation for fiscal year 2010 and \$50,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for the crime victims compensation program to pay claims for mental health services for crime victim compensation program clients who have an established relationship with a mental health provider and subsequently obtain coverage under the medicaid program or the medical care services program under chapter 74.09 RCW. Prior to making such payment, the program must have determined that payment for the specific treatment or provider is not available under the medicaid or medical care services program. In addition, the program shall make efforts to contact any healthy options or medical care services health plan in which the client may be enrolled to help the client obtain authorization to pay the claim on an out-of-network basis.

(16) \$48,000 of the accident account—state appropriation and \$48,000 of the medical aid account—state appropriation are provided solely for the implementation of Substitute House Bill No. 2789 (issuance of subpoenas for purposes of agency investigations of underground economic activity). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

(17) \$71,000 of the general fund—state appropriation for fiscal year 2011 is provided solely for implementation of Senate Bill No. 6349 (farm internship program). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

(18) \$127,000 of the general fund—state appropriation for fiscal year 2010 and \$133,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for the department to provide benefits in excess of the cap



established by sections 1 and 2, chapter 122, Laws of 2010. These benefits shall be paid for claimants who were determined eligible for and who were receiving crime victims' compensation benefits because they were determined to be permanently and totally disabled, as defined by RCW 51.08.160, prior to April 1, 2010. The director shall establish, by May 1, 2010, a process to aid crime victims' compensation recipients in identifying and applying for appropriate alternative benefit programs.

(19) \$155,000 of the public works administration account—state appropriation is provided solely for the implementation of Engrossed House Bill No. 2805 (offsite prefabricated items). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

**Sec. 1118.** 2011 c 5 s 217 (uncodified) is amended to read as follows:

**FOR THE INDETERMINATE SENTENCE REVIEW BOARD**

General Fund—State Appropriation (FY 2010) . . . . .	\$1,882,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$1,659,000)</del>
	<u>\$1,657,000</u>
TOTAL APPROPRIATION . . . . .	<del>(\$3,541,000)</del>
	<u>\$3,539,000</u>

**Sec. 1119.** 2011 c 5 s 218 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF VETERANS AFFAIRS**

(1) HEADQUARTERS

General Fund—State Appropriation (FY 2010) . . . . .	\$1,913,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$1,865,000)</del>
	<u>\$1,755,000</u>

Charitable, Educational, Penal, and Reformatory  
Institutions Account—State Appropriation . . . . . \$10,000

TOTAL APPROPRIATION . . . . .	<del>(\$3,788,000)</del>
	<u>\$3,678,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: In addition to other reductions, the appropriations in this section reflect reductions targeted specifically to state government administrative costs. These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

(2) FIELD SERVICES

General Fund—State Appropriation (FY 2010) . . . . .	\$4,885,000
General Fund—State Appropriation (FY 2011) . . . . .	\$4,964,000
General Fund—Federal Appropriation . . . . .	\$2,382,000
General Fund—Private/Local Appropriation . . . . .	\$4,512,000
Veterans Innovations Program Account—State Appropriation . . . . .	\$897,000
Veteran Estate Management Account—Private/Local Appropriation . . . . .	\$1,072,000
TOTAL APPROPRIATION . . . . .	\$18,712,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department shall collaborate with the department of social and health services to identify and assist eligible general assistance unemployable clients to access the federal department of veterans affairs benefits.

(b) \$648,000 of the veterans innovations program account—state appropriation is provided solely for the department to continue support for returning combat veterans through the veterans innovation program, including emergency financial assistance through the defenders' fund and long-term financial assistance through the competitive grant program.

(c) In addition to other reductions, the appropriations in this section reflect reductions targeted specifically to state government administrative costs. These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

(3) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2010) . . . . .	\$3,318,000
<del>((General Fund—State Appropriation (FY 2011) . . . . .</del>	<del>\$1,793,000))</del>
General Fund—Federal Appropriation . . . . .	<del>(\$50,931,000))</del>
	<u>\$52,965,000</u>
General Fund—Private/Local Appropriation . . . . .	<del>(\$34,189,000))</del>
	<u>\$34,791,000</u>
TOTAL APPROPRIATION . . . . .	<del>(\$90,231,000))</del>
	<u>\$91,074,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) In addition to other reductions, the appropriations in this section reflect reductions targeted specifically to state government administrative costs. These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

(b) The reductions in this subsection shall be achieved through savings from contract revisions and shall not impact the availability of goods and services for residents of the three state veterans homes.

**Sec. 1120.** 2011 c 5 s 219 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF HEALTH**

General Fund—State Appropriation (FY 2010) . . . . .	\$98,414,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$72,427,000))</del>
	<u>\$72,269,000</u>
General Fund—Federal Appropriation . . . . .	<del>(\$564,379,000))</del>
	<u>\$567,818,000</u>
General Fund—Private/Local Appropriation . . . . .	\$162,237,000
Hospital Data Collection Account—State Appropriation . . . . .	\$218,000
Health Professions Account—State Appropriation . . . . .	\$82,850,000
Aquatic Lands Enhancement Account—State Appropriation . . . . .	\$603,000
Emergency Medical Services and Trauma Care Systems	
Trust Account—State Appropriation . . . . .	\$13,206,000
Safe Drinking Water Account—State Appropriation . . . . .	\$2,731,000

Drinking Water Assistance Account—Federal	
Appropriation. . . . .	\$22,862,000
Waterworks Operator Certification—State	
Appropriation. . . . .	\$1,522,000
Drinking Water Assistance Administrative Account—	
State Appropriation . . . . .	\$326,000
State Toxics Control Account—State Appropriation . . . . .	\$4,348,000
Medical Test Site Licensure Account—State	
Appropriation. . . . .	\$2,261,000
Youth Tobacco Prevention Account—State Appropriation . . . . .	\$1,512,000
Public Health Supplemental Account—Private/Local	
Appropriation. . . . .	\$3,804,000
Community and Economic Development Fee Account—State	
Appropriation. . . . .	\$298,000
Accident Account—State Appropriation . . . . .	\$292,000
Medical Aid Account—State Appropriation . . . . .	\$48,000
Tobacco Prevention and Control Account—State	
Appropriation. . . . .	\$41,196,000
Biotoxin Account—State Appropriation . . . . .	\$1,163,000
TOTAL APPROPRIATION . . . . .	<u>(\$1,076,697,000)</u>
	<u>\$1,079,978,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department of health and the state board of health shall not implement any new or amended rules pertaining to primary and secondary school facilities until the rules and a final cost estimate have been presented to the legislature, and the legislature has formally funded implementation of the rules through the omnibus appropriations act or by statute. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(2) In accordance with RCW 43.70.250 and 43.135.055, the department is authorized to establish and raise fees in fiscal year 2011 as necessary to meet the actual costs of conducting business and the appropriation levels in this section. This authorization applies to fees for the review of sewage tank designs, fees related to regulation and inspection of farmworker housing, and fees associated with the following professions: Acupuncture, dental, dentist, mental health

counselor, nursing, nursing assistant, optometry, radiologic technologist, recreational therapy, respiratory therapy, social worker, cardiovascular invasive specialist, and practitioners authorized under chapter 18.240 RCW.

(3) Pursuant to RCW 43.135.055 and RCW 43.70.250, the department is authorized to establish fees by the amount necessary to fully support the cost of activities related to the administration of long-term care worker certification. The department is further authorized to increase fees by the amount necessary to implement the regulatory requirements of the following bills: House Bill No. 1414 (health care assistants), House Bill No. 1740 (dental residency licenses), and House Bill No. 1899 (retired active physician licenses).

(4) \$764,000 of the health professions account—state appropriation is provided solely for the medical quality assurance commission to maintain disciplinary staff and associated costs sufficient to reduce the backlog of disciplinary cases and to continue to manage the disciplinary caseload of the commission.

(5) \$57,000 of the general fund—state appropriation for fiscal year 2010 and \$54,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for the midwifery licensure and regulatory program to offset a reduction in revenue from fees. The department shall convene the midwifery advisory committee on a quarterly basis to address issues related to licensed midwifery. The appropriations in this section assume that the current application and renewal fee for midwives shall be increased by fifty dollars and all other fees for midwives be adjusted accordingly.

(6) Funding for the human papillomavirus vaccine shall not be included in the department's universal vaccine purchase program in fiscal year 2010. Remaining funds for the universal vaccine purchase program shall be used to continue the purchase of all other vaccines included in the program until May 1, 2010, at which point state funding for the universal vaccine purchase program shall be discontinued.

(7) Beginning July 1, 2010, the department, in collaboration with the department of social and health services, shall maximize the use of existing federal funds, including section 317 of the federal public health services act direct assistance as well as federal funds that may become available under the American recovery and reinvestment act, in order to continue to provide immunizations for low-income, nonmedicaid eligible children up to three hundred percent of the federal poverty level in state-sponsored health programs.

(8) The department shall eliminate outreach activities for the health care directives registry and use the remaining amounts to maintain the contract for the registry and minimal staffing necessary to administer the basic entry functions for the registry.

(9) Funding in this section reflects a temporary reduction of resources for the 2009-11 fiscal biennium for the state board of health to conduct health impact reviews.

(10) Pursuant to RCW 43.135.055 and 43.70.125, the department is authorized to adopt rules to establish a fee schedule to apply to applicants for initial certification surveys of health care facilities for purposes of receiving federal health care program reimbursement. The fees shall only apply when the department has determined that federal funding is not sufficient to compensate the department for the cost of conducting initial certification surveys. The fees

for initial certification surveys may be established as follows: Up to \$1,815 for ambulatory surgery centers, up to \$2,015 for critical access hospitals, up to \$980 for end stage renal disease facilities, up to \$2,285 for home health agencies, up to \$2,285 for hospice agencies, up to \$2,285 for hospitals, up to \$520 for rehabilitation facilities, up to \$690 for rural health clinics, and up to \$7,000 for transplant hospitals.

(11) Funding for family planning grants for fiscal year 2011 is reduced in the expectation that federal funding shall become available to expand coverage of services for individuals through programs at the department of social and health services. In the event that such funding is not provided, the legislature intends to continue funding through a supplemental appropriation at fiscal year 2010 levels. \$4,360,000 of the general fund—state appropriation is provided solely for the department of health-funded family planning clinic grants due to federal funding not becoming available.

(12) \$16,000,000 of the tobacco prevention and control account—state appropriation is provided solely for local health jurisdictions to conduct core public health functions as defined in RCW 43.70.514.

(13) \$100,000 of the health professions account appropriation is provided solely for implementation of Substitute House Bill No. 1414 (health care assistants). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(14) \$42,000 of the health professions account—state appropriation is provided solely to implement Substitute House Bill No. 1740 (dentistry license issuance). If the bill is not enacted by June 30, 2009, the amount provided in this section shall lapse.

(15) \$23,000 of the health professions account—state appropriation is provided solely to implement Second Substitute House Bill No. 1899 (retired active physician licenses). If the bill is not enacted by June 30, 2009, the amount provided in this section shall lapse.

(16) \$12,000 of the general fund—state appropriation for fiscal year 2010 and \$67,000 of the general fund—private/local appropriation are provided solely to implement House Bill No. 1510 (birth certificates). If the bill is not enacted by June 30, 2009, the amount provided in this section shall lapse.

(17) \$31,000 of the health professions account is provided for the implementation of Second Substitute Senate Bill No. 5850 (human trafficking). If the bill is not enacted by June 2009, the amount provided in this subsection shall lapse.

(18) \$282,000 of the health professions account is provided for the implementation of Substitute Senate Bill No. 5752 (dentists cost recovery). If the bill is not enacted by June 2009, the amount provided in this subsection shall lapse.

(19) \$106,000 of the health professions account is provided for the implementation of Substitute Senate Bill No. 5601 (speech language assistants). If the bill is not enacted by June 2009, the amount provided in this subsection shall lapse.

(20) Subject to existing resources, the department of health is encouraged to examine, in the ordinary course of business, current and prospective programs, treatments, education, and awareness of cardiovascular disease that are needed for a thriving and healthy Washington.

(21) \$390,000 of the health professions account—state appropriation is provided solely to implement chapter 169, Laws of 2010 (nursing assistants). The amount provided in this subsection is from fee revenue authorized by Engrossed Substitute Senate Bill No. 6582.

(22) \$10,000 of the health professions account—state appropriation for fiscal year 2010 and \$40,000 of the health professions account—state appropriation for fiscal year 2011 are provided solely for the department to study cost effective options for collecting demographic data related to the health care professions workforce to be submitted to the legislature by December 1, 2010.

(23) \$66,000 of the health professions account—state appropriation is provided solely to implement chapter 209, Laws of 2010 (pain management).

(24) \$10,000 of the health professions account—state appropriation is provided solely to implement chapter 92, Laws of 2010 (cardiovascular invasive specialists).

(25) \$23,000 of the general fund—state appropriation is provided solely to implement chapter 182, Laws of 2010 (tracking ephedrine, etc.).

(26) The department is authorized to coordinate a tobacco cessation media campaign using all appropriate media with the purpose of maximizing the use of quit-line services and youth smoking prevention.

(27) It is the intent of the legislature that the reductions in appropriations to the AIDS/HIV programs shall be achieved, to the greatest extent possible, by reducing those state government administrative costs that do not affect direct client services or direct service delivery or programs. The agency shall, to the greatest extent possible, reduce spending in those areas that shall have the least impact on implementing these programs.

(28) \$400,000 of the state toxics control account—state appropriation is provided solely for granting to a willing local public entity to provide emergency water supplies or water treatment for households with individuals at high public health risk from nitrate-contaminated wells in the lower Yakima basin.

(29) \$100,000 of the state toxics control account—state appropriation is provided solely for an interagency contract to the department of ecology to grant to agencies involved in improving groundwater quality in the lower Yakima Valley. These agencies will develop a local plan for improving water quality and reducing nitrate contamination. The department of ecology will report to the appropriate committees of the legislature and to the office of financial management no later than December 1, 2010, summarizing progress towards developing and implementing this plan.

(30) In accordance with RCW 43.135.055, the department is authorized to adopt and increase all fees set forth in and previously authorized in section 221(2), chapter 37, Laws of 2010 1st sp.s.

**NEW SECTION. Sec. 1121.** A new section is added to 2009 c 564 (uncodified) to read as follows:

#### **FOR THE DEPARTMENT OF CORRECTIONS**

The appropriations to the department of corrections in this act shall be expended for the programs and in the amounts specified herein. However, after May 1, 2011, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer general fund—state appropriations for fiscal year 2011 between programs. The department

shall not transfer funds, and the director of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds and not federal funds. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any deviations from appropriation levels. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

**Sec. 1122.** 2011 c 5 s 220 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

(1) ADMINISTRATION AND SUPPORT SERVICES

General Fund—State Appropriation (FY 2010) . . . . .	\$55,772,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$51,929,000)</del>
	<u>\$48,131,000</u>
TOTAL APPROPRIATION . . . . .	<del>(\$107,701,000)</del>
	<u>\$103,903,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Within funds appropriated in this section, the department shall seek contracts for chemical dependency vendors to provide chemical dependency treatment of offenders in corrections facilities, including corrections centers and community supervision facilities, which have demonstrated effectiveness in treatment of offenders and are able to provide data to show a successful treatment rate.

(b) \$35,000 of the general fund—state appropriation for fiscal year 2010 and \$35,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for the support of a statewide council on mentally ill offenders that includes as its members representatives of community-based mental health treatment programs, current or former judicial officers, and directors and commanders of city and county jails and state prison facilities. The council will investigate and promote cost-effective approaches to meeting the long-term needs of adults and juveniles with mental disorders who have a history of offending or who are at-risk of offending, including their mental health, physiological, housing, employment, and job training needs.

(2) CORRECTIONAL OPERATIONS

General Fund—State Appropriation (FY 2010) . . . . .	\$458,503,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$562,084,000)</del>
	<u>\$568,633,000</u>
General Fund—Federal Appropriation . . . . .	<del>(\$186,651,000)</del>
	<u>\$186,720,000</u>
Washington Auto Theft Prevention Authority Account—	
State Appropriation . . . . .	\$5,936,000
State Efficiency and Restructuring Account—State	
Appropriation . . . . .	\$34,522,000
TOTAL APPROPRIATION . . . . .	<del>(\$1,247,696,000)</del>
	<u>\$1,254,314,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. Any funds generated in excess of actual costs shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as a recovery of costs.

(b) The department shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(c) During the 2009-11 biennium, when contracts are established or renewed for offender pay phone and other telephone services provided to inmates, the department shall select the contractor or contractors primarily based on the following factors: (i) The lowest rate charged to both the inmate and the person paying for the telephone call; and (ii) the lowest commission rates paid to the department, while providing reasonable compensation to cover the costs of the department to provide the telephone services to inmates and provide sufficient revenues for the activities funded from the institutional welfare betterment account.

(d) The Harborview medical center and the University of Washington medical center shall provide inpatient and outpatient hospital services to offenders confined in department of corrections facilities at a rate no greater than the average rate that the department has negotiated with other community hospitals in Washington state.

(e) A political subdivision which is applying for funding to mitigate one-time impacts associated with construction or expansion of a correctional institution, consistent with WAC 137-12A-030, may apply for the mitigation funds in the fiscal biennium in which the impacts occur or in the immediately succeeding fiscal biennium.

(f) Within amounts provided in this subsection, the department, jointly with the department of social and health services, shall identify the number of offenders released through the extraordinary medical placement program, the cost savings to the department of corrections, including estimated medical cost savings, and the costs for medical services in the community incurred by the department of social and health services. The department and the department of social and health services shall jointly report to the office of financial management and the appropriate fiscal committees of the legislature by November 30, 2010.

(g) \$11,863,000 of the general fund—state appropriation for fiscal year 2010, \$7,953,000 of the general fund—state appropriation for fiscal year 2011, and \$2,336,000 of the general fund—private/local appropriation are provided solely for in-prison evidence-based programs and for the reception diagnostic center program as part of the offender re-entry initiative.

(h) The appropriations in this subsection are based on savings assumed from the closure of the McNeil Island corrections center, the Ahtanum View corrections center, and the Pine Lodge corrections center for women.



(3) COMMUNITY SUPERVISION

General Fund—State Appropriation (FY 2010) . . . . .	\$150,729,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$134,840,000)</del>
	<u>\$133,549,000</u>
TOTAL APPROPRIATION . . . . .	<del>(\$285,569,000)</del>
	<u>\$284,278,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(b) \$2,083,000 of the general fund—state appropriation for fiscal year 2010 and \$2,083,000 of the general fund—state appropriation for fiscal year 2011 are provided solely to implement Senate Bill No. 5525 (state institutions/release). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(c) The appropriations in this subsection are based upon savings assumed from the implementation of Engrossed Substitute Senate Bill No. 5288 (supervision of offenders).

(d) \$2,791,000 of the general fund—state appropriation for fiscal year 2010 and \$2,680,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for evidence-based community programs and for community justice centers as part of the offender re-entry initiative.

(e) \$418,300 of the general fund—state appropriation for fiscal year 2010 is provided solely for the purposes of settling all claims in *Hilda Solis, Secretary of Labor, United States Department of Labor v. State of Washington, Department of Corrections*, United States District Court, Western District of Washington, Cause No. C08-cv-05362-RJB. The expenditure of this amount is contingent on the release of all claims in the case, and total settlement costs shall not exceed the amount provided in this subsection. If settlement is not fully executed by June 30, 2010, the amount provided in this subsection shall lapse.

(f) \$984,000 of the general fund—state appropriation for fiscal year 2011 is provided solely for supplemental services that will be provided to offenders in lieu of a prison sentence, pursuant to chapter 224, Laws of 2010 (confinement alternatives).

(4) CORRECTIONAL INDUSTRIES

General Fund—State Appropriation (FY 2010) . . . . .	\$2,574,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$2,441,000)</del>
	<u>\$2,642,000</u>
TOTAL APPROPRIATION . . . . .	<del>(\$5,015,000)</del>
	<u>\$5,216,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: \$132,000 of the general fund—state appropriation for fiscal year 2010 and \$132,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for transfer to the jail industries board. The board shall use the amounts provided only for administrative expenses, equipment

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purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs.

(5) INTERAGENCY PAYMENTS

General Fund—State Appropriation (FY 2010) . . . . .	\$40,728,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$38,629,000)</del>
	<u>\$38,995,000</u>
TOTAL APPROPRIATION . . . . .	<del>(\$79,357,000)</del>
	<u>\$79,723,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state prison institutions may use funds appropriated in this subsection to rent uniforms from correctional industries in accordance with existing legislative mandates.

(b) The state prison medical facilities may use funds appropriated in this subsection to purchase goods and supplies through hospital or other group purchasing organizations when it is cost effective to do so.

(6) Funding in this section may not be used to purchase radios or base station repeaters related to the movement to narrowband frequencies, or for reprogramming existing narrowband radios.

**Sec. 1123.** 2011 c 5 s 221 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SERVICES FOR THE BLIND**

General Fund—State Appropriation (FY 2010) . . . . .	\$2,504,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$2,160,000)</del>
	<u>\$2,158,000</u>
General Fund—Federal Appropriation . . . . .	<del>(\$18,116,000)</del>
	<u>\$18,416,000</u>
General Fund—Private/Local Appropriation . . . . .	\$30,000
TOTAL APPROPRIATION . . . . .	<del>(\$22,810,000)</del>
	<u>\$23,108,000</u>

**Sec. 1124.** 2011 c 5 s 222 (uncodified) is amended to read as follows:

**FOR THE SENTENCING GUIDELINES COMMISSION**

General Fund—State Appropriation (FY 2010) . . . . .	\$962,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$844,000)</del>
	<u>\$843,000</u>
TOTAL APPROPRIATION . . . . .	<del>(\$1,806,000)</del>
	<u>\$1,805,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Within the amounts appropriated in this section, the sentencing guidelines commission, in partnership with the courts, shall develop a plan to implement an evidence-based system of community custody for adult felons that will include the consistent use of evidence-based risk and needs assessment tools, programs, supervision modalities, and monitoring of program integrity. The plan for the evidence-based system of community custody shall include provisions for identifying cost-effective rehabilitative programs; identifying

offenders for whom such programs would be cost-effective; monitoring the system for cost- effectiveness; and reporting annually to the legislature. In developing the plan, the sentencing guidelines shall consult with: The Washington state institute for public policy; the legislature; the department of corrections; local governments; prosecutors; defense attorneys; victim advocate groups; law enforcement; the Washington federation of state employees; and other interested entities. The sentencing guidelines commission shall report its recommendations to the governor and the legislature by December 1, 2009.

(2)(a) Except as provided in subsection (b), during the 2009-11 biennium, the reports required by RCW 9.94A.480(2) and 9.94A.850(2) (d) and (h) shall be prepared within the available funds and may be delayed or suspended at the discretion of the commission.

(b) The commission shall submit the analysis described in section 15 of Engrossed Substitute Senate Bill No. 5288 no later than December 1, 2011.

(3) Within the amounts appropriated in this section, the sentencing guidelines commission shall survey the practices of other states relating to offenders who violate any conditions of their community custody. In conducting the survey, the sentencing guidelines commission shall perform a review of the research studies to determine if a mandatory minimum confinement policy is an evidence-based practice, investigate the implementation of such a policy in other states, and estimate the fiscal impacts of implementing such a policy in Washington state. The sentencing guidelines commission shall report its findings to the governor and the legislature by December 1, 2010.

Sec. 1125. 2011 c 5 s 223 (uncodified) is amended to read as follows:

**FOR THE EMPLOYMENT SECURITY DEPARTMENT**

General Fund—State Appropriation (FY 2010) . . . . .	\$2,054,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$4,735,000)</del>
	<u>\$4,219,000</u>
General Fund—Federal Appropriation . . . . .	<del>(\$324,135,000)</del>
	<u>\$327,109,000</u>
General Fund—Private/Local Appropriation . . . . .	\$33,640,000
Unemployment Compensation Administration Account—	
Federal Appropriation . . . . .	<del>(\$348,000,000)</del>
	<u>\$370,397,000</u>
Administrative Contingency Account—State Appropriation . . . . .	\$345,000
Employment Service Administrative Account—State	
Appropriation . . . . .	\$37,775,000
TOTAL APPROPRIATION . . . . .	<del>(\$750,684,000)</del>
	<u>\$775,539,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(1) \$59,829,000 of the unemployment compensation administration account—federal appropriation is provided from amounts made available to the state by section 903 (d) and (f) of the social security act (Reed act). This amount is authorized to continue current unemployment insurance functions and department services to employers and job seekers.

(2) \$17,327,000 of the unemployment compensation administration account—federal appropriation is provided from amounts made available to the

state by section 903(d) and (f) of the social security act (Reed act). This amount is authorized to fund the replacement of the unemployment insurance tax information system (TAXIS) for the employment security department. This section is subject to section 902 of this act. After the effective date of this section, the employment security department may not incur further obligations for the replacement of the unemployment insurance tax information system (TAXIS). Nothing in this act prohibits the department from meeting obligations incurred prior to the effective date of this section.

(3) \$110,000 of the unemployment compensation administration account—federal appropriation is provided solely for implementation of Senate Bill No. 5804 (leaving part time work voluntarily).

(4) \$1,263,000 of the unemployment compensation administration account—federal appropriation is provided solely for implementation of Senate Bill No. 5963 (unemployment insurance).

(5) \$159,000 of the unemployment compensation account—federal appropriation is provided solely for the implementation of House Bill No. 1555 (underground economy) from funds made available to the state by section 903(d) of the social security act (Reed act).

(6) \$295,000 of the administrative contingency—state appropriation for fiscal year 2010 is provided solely for the implementation of House Bill No. 2227 (evergreen jobs act).

(7) \$2,000,000 of the general fund—state appropriation for fiscal year 2010 and (~~(\$4,682,000)~~) \$4,182,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for the implementation of Senate Bill No. 5809 (WorkForce employment and training).

(8) \$444,000 of the unemployment compensation administration account—federal appropriation is provided solely for the implementation of Substitute Senate Bill No. 6524 (unemployment insurance penalties and contribution rates) from funds made available to the state by section 903 (d) or (f) of the social security act (Reed 12 act). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

(9) \$232,000 of the unemployment compensation administration account—federal appropriation from funds made available to the state by section 903(c) or (f) of the social security act (Reed act) is provided solely for the implementation of Substitute House Bill No. 2789 (underground economic activity). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

(10) \$577,000 of the unemployment compensation administration account—federal appropriation is from amounts available to the state by section 903 (d), (f), and (g) of the social security act (Reed act). This amount is provided solely for implementation of chapter 4, Laws of 2011 (unemployment insurance program).

(11) \$11,000 of the unemployment compensation administration account—federal appropriation is from amounts available to the state by section 903 (d), (f), and (g) of the social security act (Reed act). This amount is provided solely for implementation of chapter 4, Laws of 2011 (unemployment insurance program).

**PART XII  
NATURAL RESOURCES**

**Sec. 1201.** 2011 c 5 s 301 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

General Fund—State Appropriation (FY 2010) . . . . .	\$58,552,000
General Fund—State Appropriation (FY 2011) . . . . .	(( <del>\$46,925,000</del> ))
	<u>\$46,392,000</u>
General Fund—Federal Appropriation . . . . .	\$82,079,000
General Fund—Private/Local Appropriation . . . . .	\$16,688,000
Special Grass Seed Burning Research Account—State Appropriation . . . . .	\$14,000
Reclamation Account—State Appropriation . . . . .	(( <del>\$3,649,000</del> ))
	<u>\$3,640,000</u>
Flood Control Assistance Account—State Appropriation . . . . .	\$1,943,000
State Emergency Water Projects Revolving Account— State Appropriation . . . . .	\$240,000
Waste Reduction/Recycling/Litter Control—State Appropriation . . . . .	(( <del>\$12,467,000</del> ))
	<u>\$12,440,000</u>
State Drought Preparedness Account—State Appropriation . . . . .	\$4,000,000
State and Local Improvements Revolving Account (Water Supply Facilities)—State Appropriation . . . . .	\$424,000
Freshwater Aquatic Algae Control Account—State Appropriation . . . . .	\$508,000
Water Rights Tracking System Account—State Appropriation . . . . .	\$116,000
Site Closure Account—State Appropriation . . . . .	\$922,000
Wood Stove Education and Enforcement Account—State Appropriation . . . . .	\$582,000
Worker and Community Right-to-Know Account—State Appropriation . . . . .	\$1,663,000
State Toxics Control Account—State Appropriation . . . . .	(( <del>\$106,642,000</del> ))
	<u>\$106,391,000</u>
State Toxics Control Account—Private/Local Appropriation . . . . .	\$379,000
Local Toxics Control Account—State Appropriation . . . . .	(( <del>\$24,690,000</del> ))
	<u>\$24,670,000</u>
Water Quality Permit Account—State Appropriation . . . . .	(( <del>\$37,018,000</del> ))
	<u>\$36,899,000</u>
Underground Storage Tank Account—State Appropriation . . . . .	(( <del>\$3,270,000</del> ))
	<u>\$3,259,000</u>
Biosolids Permit Account—State Appropriation . . . . .	\$1,866,000

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Hazardous Waste Assistance Account—State	
Appropriation . . . . .	(\$5,880,000)
	<u>\$5,858,000</u>
Air Pollution Control Account—State Appropriation . . . . .	\$1,565,000
Oil Spill Prevention Account—State	
Appropriation . . . . .	(\$10,599,000)
	<u>\$10,568,000</u>
Air Operating Permit Account—State	
Appropriation . . . . .	(\$2,758,000)
	<u>\$2,748,000</u>
Freshwater Aquatic Weeds Account—State Appropriation . . . . .	\$1,693,000
Oil Spill Response Account—State Appropriation . . . . .	\$7,077,000
Metals Mining Account—State Appropriation . . . . .	\$14,000
Water Pollution Control Revolving Account—State	
Appropriation . . . . .	\$535,000
Water Pollution Control Revolving Account—Federal	
Appropriation . . . . .	\$2,210,000
Water Rights Processing Account—State Appropriation . . . . .	\$68,000
TOTAL APPROPRIATION . . . . .	(\$437,036,000)
	<u>\$436,003,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$170,000 of the oil spill prevention account—state appropriation is provided solely for a contract with the University of Washington's sea grant program to continue an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.
- (2) \$240,000 of the woodstove education and enforcement account—state appropriation is provided solely for citizen outreach efforts to improve understanding of burn curtailments, the proper use of wood heating devices, and public awareness of the adverse health effects of woodsmoke pollution.
- (3) \$3,000,000 of the general fund—private/local appropriation is provided solely for contracted toxic-site cleanup actions at sites where multiple potentially liable parties agree to provide funding.
- (4) \$3,600,000 of the local toxics account—state appropriation is provided solely for the standby emergency rescue tug stationed at Neah Bay.
- (5) \$811,000 of the state toxics account—state appropriation is provided solely for oversight of toxic cleanup at facilities that treat, store, and dispose of hazardous wastes.
- (6) \$1,456,000 of the state toxics account—state appropriation is provided solely for toxic cleanup at sites where willing parties negotiate prepayment agreements with the department and provide necessary funding.
- (7) \$558,000 of the state toxics account—state appropriation and \$3,000,000 of the local toxics account—state appropriation are provided solely for grants and technical assistance to Puget Sound-area local governments engaged in updating shoreline master programs.
- (8) \$950,000 of the state toxics control account—state appropriation is provided solely for measuring water and habitat quality to determine watershed health and assist salmon recovery, beginning in fiscal year 2011.

(9) RCW 70.105.280 authorizes the department to assess reasonable service charges against those facilities that store, treat, incinerate, or dispose of dangerous or extremely hazardous waste that involves both a nonradioactive hazardous component and a radioactive component. Service charges may not exceed the costs to the department in carrying out the duties in RCW 70.105.280. The current service charges do not meet the costs of the department to carry out its duties. Pursuant to RCW 43.135.055 and 70.105.280, the department is authorized to increase the service charges no greater than 18 percent for fiscal year 2010 and no greater than 15 percent for fiscal year 2011. Such service charges shall include all costs of public participation grants awarded to qualified entities by the department pursuant to RCW 70.105D.070(5) for facilities at which such grants are recognized as a component of a community relations or public participation plan authorized or required as an element of a consent order, federal facility agreement or agreed order entered into or issued by the department pursuant to any federal or state law governing investigation and remediation of releases of hazardous substances. Public participation grants funded by such service charges shall be in addition to, and not in place of, any other grants made pursuant to RCW 70.105D.070(5). Costs for the public participation grants shall be billed individually to the mixed waste facility associated with the grant.

(10) The department is authorized to increase the following fees in the 2009-2011 biennium as necessary to meet the actual costs of conducting business and the appropriation levels in this section: Environmental lab accreditation, dam safety and inspection, biosolids permitting, air emissions new source review, and manufacturer registration and renewal.

(11) \$63,000 of the state toxics control account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 5797 (solid waste handling permits). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(12) \$225,000 of the general fund—state appropriation for fiscal year 2010 and \$181,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for implementation of Engrossed Second Substitute Bill No. 5560 (agency climate leadership). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(13) \$150,000 of the general fund—state appropriation for fiscal year 2010 and \$141,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for watershed planning implementation grants to continue ongoing efforts to develop and implement water agreements in the Nooksack Basin and the Bertrand watershed. These amounts are intended to support project administration; monitoring; negotiations in the Nooksack watershed between tribes, the department, and affected water users; continued implementation of a flow augmentation project; plan implementation in the Fishtrap watershed; and the development of a water bank.

(14) \$215,000 of the general fund—state appropriation for fiscal year 2010 and \$220,000 of the general fund—state appropriation for fiscal year 2011 are provided solely to provide watershed planning implementation grants for WRIA 32 to implement Substitute House Bill No. 1580 (pilot local water management program). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(15) \$200,000 of the general fund—state appropriation for fiscal year 2010 and \$187,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for the purpose of supporting the trust water rights program and processing trust water right transfer applications that improve instream flow.

(16)(a) The department shall convene a stock water working group that includes: Legislators, four members representing agricultural interests, three members representing environmental interests, the attorney general or designee, the director of the department of ecology or designee, the director of the department of agriculture or designee, and affected federally recognized tribes shall be invited to send participants.

(b) The group shall review issues surrounding the use of permit-exempt wells for stock-watering purposes and may develop recommendations for legislative action.

(c) The working group shall meet periodically and report its activities and recommendations to the governor and the appropriate legislative committees by December 1, 2009.

(17) \$73,000 of the water quality permit account—state appropriation is provided solely to implement Substitute House Bill No. 1413 (water discharge fees). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(18) The department shall continue to work with the Columbia Snake River irrigators' association to determine how seasonal water operation and maintenance conservation can be utilized. In implementing this proviso, the department shall also consult with the Columbia River policy advisory group as appropriate.

(19) The department shall track any changes in costs, wages, and benefits that would have resulted if House Bill No. 1716 (public contract living wages), as introduced in the 2009 regular session of the legislature, were enacted and made applicable to contracts and related subcontracts entered into, renewed, or extended during the 2009-11 biennium. The department shall submit a report to the house of representatives commerce and labor committee and the senate labor, commerce, and consumer protection committee by December 1, 2011. The report shall include data on any aggregate changes in wages and benefits that would have resulted during the 2009-11 biennium.

(20) Within amounts appropriated in this section the department shall develop recommendations by December 1, 2009, for a convenient and effective mercury-containing light recycling program for residents, small businesses, and small school districts throughout the state. The department shall consider options including but not limited to, a producer-funded program, a recycler-supported or recycle fee program, a consumer fee at the time of purchase, general fund appropriations, or a currently existing dedicated account. The department shall involve and consult with stakeholders including persons who represent retailers, waste haulers, recyclers, mercury-containing light manufacturers or wholesalers, cities, counties, environmental organizations and other interested parties. The department shall report its findings and recommendations for a recycling program for mercury-containing lights to the appropriate committees of the legislature by December 1, 2009.

(21) \$140,000 of the freshwater aquatic algae control account—state appropriation is provided solely for grants to cities, counties, tribes, special



purpose districts, and state agencies for capital and operational expenses used to manage and study excessive saltwater algae with an emphasis on the periodic accumulation of sea lettuce on Puget Sound beaches.

(22) By December 1, 2009, the department in consultation with local governments shall conduct a remedial action grant financing alternatives report. The report shall address options for financing the remedial action grants identified in the department's report, entitled "House Bill 1761, Model Toxics Control Accounts Ten-Year Financing Plan" and shall include but not be limited to the following: (a) Capitalizing cleanup costs using debt insurance; (b) capitalizing cleanup costs using prefunded cost-cap insurance; (c) other contractual instruments with local governments; and (d) an assessment of overall economic benefits of the remedial action grants funded using the instruments identified in this section.

(23) \$220,000 of the site closure account—state appropriation is provided solely for litigation expenses associated with the lawsuit filed by energy solutions, inc., against the Northwest interstate compact on low-level radioactive waste management and its executive director.

(24) \$68,000 of the water rights processing account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 6267 (water rights processing). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

(25) \$10,000 of the state toxics control account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5543 (mercury-containing lights). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

(26) \$300,000 of the state toxics control account—state appropriation is provided solely for piloting and evaluating two coordinated, multijurisdictional permitting teams for nontransportation projects.

(27)(a) \$4,000,000 of the state drought preparedness account—state appropriation is provided solely for response to a drought declaration pursuant to chapter 43.83B RCW. If such a drought declaration occurs, the department of ecology may provide funding to public bodies as defined in RCW 43.83B.050 in connection with projects and measures designed to alleviate drought conditions that may affect public health and safety, drinking water supplies, agricultural activities, or fish and wildlife survival.

(b) Projects or measures for which funding will be provided must be connected with a water system, water source, or water body that is receiving, or has been projected to receive, less than seventy-five percent of normal water supply, as the result of natural drought conditions. This reduction in water supply must be such that it is causing, or will cause, undue hardship for the entities or fish or wildlife depending on the water supply. The department shall issue guidelines outlining grant program and matching fund requirements within ten days of a drought declaration.

(28) In accordance with RCW 43.135.055, the department is authorized to increase the fees set forth in and previously authorized in section 302(10), chapter 564, Laws of 2009.

(29) In accordance with RCW 43.135.055, the department is authorized to adopt and increase the fees set forth in and previously authorized in sections 3, 5, 7, and 12, chapter 285, Laws of 2010.

Sec. 1202. 2011 c 5 s 302 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

General Fund—State Appropriation (FY 2010) . . . . .	\$23,176,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$18,309,000)</del>
	<u>\$18,275,000</u>
General Fund—Federal Appropriation . . . . .	\$6,892,000
General Fund—Private/Local Appropriation . . . . .	\$73,000
Winter Recreation Program Account—State Appropriation . . . . .	\$1,556,000
Off Road Vehicle Account—State Appropriation . . . . .	\$239,000
Snowmobile Account—State Appropriation . . . . .	\$4,842,000
Aquatic Lands Enhancement Account—State Appropriation . . . . .	\$368,000
Recreation Resources Account—State Appropriation . . . . .	\$9,469,000
NOVA Program Account—State Appropriation . . . . .	\$9,164,000
Parks Renewal and Stewardship Account—State Appropriation . . . . .	\$72,975,000
Parks Renewal and Stewardship Account—Private/Local Appropriation . . . . .	\$300,000
TOTAL APPROPRIATION . . . . .	<del>(\$147,363,000)</del>
	<u>\$147,329,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$79,000 of the general fund—state appropriation for fiscal year 2010 and \$74,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for a grant for the operation of the Northwest avalanche center.
- (2) Proceeds received from voluntary donations given by motor vehicle registration applicants shall be used solely for the operation and maintenance of state parks.
- (3) With the passage of Substitute House Bill No. 2339 (state parks system donation), the legislature finds that it has provided sufficient funds to ensure that all state parks remain open during the 2009-11 biennium. The commission shall not close state parks unless the bill is not enacted by June 30, 2009, or revenue collections are insufficient to fund the ongoing operation of state parks. By January 10, 2010, the commission shall provide a report to the legislature on their budget and resources related to operating parks for the remainder of the biennium.
- (4) The commission shall work with the department of general administration to evaluate the commission's existing leases with the intention of increasing net revenue to state parks. The commission shall provide to the office of financial management and the legislative fiscal committees no later than September 30, 2009, a list of leases the commission proposes be managed by the department of general administration.

Sec. 1203. 2011 c 5 s 303 (uncodified) is amended to read as follows:

**FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

General Fund—State Appropriation (FY 2010) . . . . .	\$1,486,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$1,312,000)</del>
	<u>\$1,311,000</u>
General Fund—Federal Appropriation . . . . .	\$10,427,000
General Fund—Private/Local Appropriation . . . . .	\$250,000

Aquatic Lands Enhancement Account—State Appropriation . . . . .	\$278,000
Firearms Range Account—State Appropriation . . . . .	\$39,000
Recreation Resources Account—State Appropriation . . . . .	\$2,738,000
NOVA Program Account—State Appropriation . . . . .	\$1,059,000
TOTAL APPROPRIATION . . . . .	<del>(\$17,589,000)</del>
	<u>\$17,588,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$204,000 of the general fund—state appropriation for fiscal year 2010 and \$194,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for the implementation of Substitute House Bill No. 2157 (salmon recovery). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(2) The recreation and conservation office, under the direction of the salmon recovery funding board, shall assess watershed and regional- scale capacity issues relating to the support and implementation of salmon recovery. The assessment shall examine priority setting and incentives to further promote coordination to ensure that effective and efficient mechanisms for delivery of salmon recovery funding board funds are being utilized. The salmon recovery funding board shall distribute its operational funding to the appropriate entities based on this assessment.

(3) The recreation and conservation office shall negotiate an agreement with the Puget Sound partnership to consolidate or share certain administrative functions currently performed by each agency independently. The agencies shall proportionately share the costs of such shared functions. Examples of shared functions may include, but are not limited to, support for personnel, information technology, grant and contract management, invasive species work, legislative coordination, and policy and administrative support of various boards and councils.

**Sec. 1204.** 2010 2nd sp.s. c 1 s 305 (uncodified) is amended to read as follows:

**FOR THE ENVIRONMENTAL HEARINGS OFFICE**

General Fund—State Appropriation (FY 2010) . . . . .	\$1,108,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$1,035,000)</del>
	<u>\$1,034,000</u>
TOTAL APPROPRIATION . . . . .	<del>(\$2,143,000)</del>
	<u>\$2,142,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$46,000 of the general fund—state appropriation for fiscal year 2010 is provided solely for tenant improvement costs associated with moving the office to a new location.

**Sec. 1205.** 2010 2nd sp.s. c 1 s 306 (uncodified) is amended to read as follows:

**FOR THE CONSERVATION COMMISSION**

General Fund—State Appropriation (FY 2010) . . . . .	\$7,556,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$6,751,000)</del>
	<u>\$6,750,000</u>

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General Fund—Federal Appropriation . . . . .	\$1,178,000
TOTAL APPROPRIATION . . . . .	<del>(\$15,485,000)</del>
	<u>\$15,484,000</u>

The appropriations in this section are subject to the following conditions and limitations: In order to maintain a high degree of customer service and accountability for conservation districts, \$125,000 is to support the conservation commission's administrative activities related to the processing of conservation district invoices and budgeting.

**Sec. 1206.** 2011 c 5 s 304 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

General Fund—State Appropriation (FY 2010) . . . . .	\$41,263,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$30,560,000)</del>
	<u>\$31,053,000</u>
General Fund—Federal Appropriation . . . . .	\$88,799,000
General Fund—Private/Local Appropriation . . . . .	\$47,211,000
Off Road Vehicle Account—State Appropriation . . . . .	\$413,000
Aquatic Lands Enhancement Account—State Appropriation . . . . .	\$6,739,000
Recreational Fisheries Enhancement—State Appropriation . . . . .	\$3,472,000
Warm Water Game Fish Account—State Appropriation . . . . .	\$2,861,000
Eastern Washington Pheasant Enhancement Account— State Appropriation . . . . .	\$851,000
Aquatic Invasive Species Enforcement Account—State Appropriation . . . . .	\$207,000
Aquatic Invasive Species Prevention Account—State Appropriation . . . . .	\$833,000
Wildlife Account—State Appropriation . . . . .	\$86,998,000
Wildlife Account—Federal Appropriation . . . . .	\$101,000
Wildlife Account—Private/Local Appropriation . . . . .	\$39,000
Game Special Wildlife Account—State Appropriation . . . . .	\$2,367,000
Game Special Wildlife Account—Federal Appropriation . . . . .	\$3,426,000
Game Special Wildlife Account—Private/Local Appropriation . . . . .	\$487,000
Wildlife Rehabilitation Account—State Appropriation . . . . .	\$269,000
Regional Fisheries Salmonid Recovery Account— Federal Appropriation . . . . .	\$5,001,000
Oil Spill Prevention Account—State Appropriation . . . . .	\$876,000
Oyster Reserve Land Account—State Appropriation . . . . .	\$916,000
TOTAL APPROPRIATION . . . . .	<del>(\$323,689,000)</del>
	<u>\$324,182,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$294,000 of the aquatic lands enhancement account—state appropriation is provided solely for the implementation of hatchery reform recommendations defined by the hatchery scientific review group.
- (2) \$355,000 of the general fund—state appropriation for fiscal year 2010 and \$422,000 of the general fund—state appropriation for fiscal year 2011 are

provided solely for the department to implement a pilot project with the Confederated Tribes of the Colville Reservation to develop expanded recreational fishing opportunities on Lake Rufus Woods and its northern shoreline and to conduct joint enforcement of lake fisheries on Lake Rufus Woods and adjoining waters, pursuant to state and tribal intergovernmental agreements developed under the Columbia River water supply program. For the purposes of the pilot project:

(a) A fishing permit issued to a nontribal member by the Colville Tribes shall satisfy the license requirement of RCW 77.32.010 on the waters of Lake Rufus Woods and on the north shore of Lake Rufus Woods;

(b) The Colville Tribes have agreed to provide to holders of its nontribal member fishing permits a means to demonstrate that fish in their possession were lawfully taken in Lake Rufus Woods;

(c) A Colville tribal member identification card shall satisfy the license requirement of RCW 77.32.010 on all waters of Lake Rufus Woods;

(d) The department and the Colville Tribes shall jointly designate fishing areas on the north shore of Lake Rufus Woods for the purposes of enhancing access to the recreational fisheries on the lake; and

(e) The Colville Tribes have agreed to recognize a fishing license issued under RCW 77.32.470 or RCW 77.32.490 as satisfying the nontribal member fishing permit requirements of Colville tribal law on the reservation portion of the waters of Lake Rufus Woods and at designated fishing areas on the north shore of Lake Rufus Woods;

(3) Prior to submitting its 2011-2013 biennial operating and capital budget request related to state fish hatcheries to the office of financial management, the department shall contract with the hatchery scientific review group (HSRG) to review this request. This review shall: (a) Determine if the proposed requests are consistent with HSRG recommendations; (b) prioritize the components of the requests based on their contributions to protecting wild salmonid stocks and meeting the recommendations of the HSRG; and (c) evaluate whether the proposed requests are being made in the most cost effective manner. The department shall provide a copy of the HSRG review to the office of financial management with their agency budget proposal.

(4) Within existing funds, the department shall continue implementing its capital program action plan dated September 1, 2007, including the purchase of the necessary maintenance and support costs for the capital programs and engineering tools. The department shall report to the office of financial management and the appropriate committees of the legislature, its progress in implementing the plan, including improvements instituted in its capital program, by September 30, 2010.

(5) \$1,232,000 of the state wildlife account—state appropriation is provided solely to implement Substitute House Bill No. 1778 (fish and wildlife). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(6) \$400,000 of the general fund—state appropriation for fiscal year 2010 and \$400,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for a state match to support the Puget Sound nearshore partnership between the department and the U.S. army corps of engineers.

(7) \$50,000 of the general fund—state appropriation for fiscal year 2010 and \$50,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for removal of derelict gear in Washington waters.

(8) The department of fish and wildlife shall dispose of all Cessna aircraft it currently owns. The proceeds from the aircraft shall be deposited into the state wildlife account. Disposal of the aircraft must occur no later than June 30, 2010. The department shall coordinate with the department of natural resources on the installation of fire surveillance equipment into its Partenavia aircraft. The department shall make its Partenavia aircraft available to the department of natural resources on a cost-reimbursement basis for its use in coordinating fire suppression efforts. The two agencies shall develop an interagency agreement that defines how they will share access to the plane.

(9) \$50,000 of the general fund—state appropriation for fiscal year 2010 is provided solely for an electron project fish passage study consistent with the recommendations and protocols contained in the 2008 electron project downstream fish passage final report.

(10) \$60,000 of the general fund—state appropriation for fiscal year 2010 and \$60,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for implementation of Engrossed Second Substitute Bill No. 5560 (agency climate leadership). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(11) If sufficient new revenues are not identified to continue hatchery operations, within the constraints of legally binding tribal agreements, the department shall dispose of, by removal, sale, lease, reversion, or transfer of ownership, the following hatcheries: McKernan, Colville, Omak, Bellingham, Arlington, and Mossyrock. Disposal of the hatcheries must occur by June 30, 2011, and any proceeds received from disposal shall be deposited in the state wildlife account. Within available funds, the department shall provide quarterly reports on the progress of disposal to the office of financial management and the appropriate fiscal committees of the legislature. The first report shall be submitted no later than September 30, 2009.

(12) \$100,000 of the eastern Washington pheasant enhancement account—state appropriation is provided solely for the department to support efforts to enhance permanent and temporary pheasant habitat on public and private lands in Grant, Franklin, and Adams counties. The department may support efforts by entities including conservation districts, nonprofit organizations, and landowners, and must require such entities to provide significant nonstate matching resources, which may be in the form of funds, material, or labor.

(13) Within the amounts appropriated in this section, the department of fish and wildlife shall develop a method for allocating its administrative and overhead costs proportionate to program fund use. As part of its 2011-2013 biennial operating budget, the department shall submit a decision package that rebalances expenditure authority for all agency funds based upon proportionate contributions.

(14) Within the amounts appropriated in this section, the department shall identify additional opportunities for partnerships in order to keep fish hatcheries operational. Such partnerships shall aim to maintain fish production and salmon recovery with less reliance on state operating funds.

(15) Within the amounts appropriated in this section, the department shall work with stakeholders to develop a long-term funding model that sustains the department's work of conserving species and habitat, providing sustainable recreational and commercial opportunities and using sound business practices. The funding model analysis shall assess the appropriate uses of each fund source and whether the department's current and projected revenue levels are adequate to sustain its current programs. The department shall report its recommended funding model including supporting analysis and stakeholder participation summary to the office of financial management and the appropriate committees of the legislature by October 1, 2010.

(16) By October 1, 2010, the department shall enter into an interagency agreement with the department of natural resources for land management services for the department's wildlife conservation and recreation lands. Land management services may include but are not limited to records management, real estate services such as surveying, and land acquisition and disposal services. The interagency agreement shall describe business processes, service delivery expectations, cost, and timing. In the agreement, the department shall define its roles and responsibilities. A draft agreement shall be submitted to the office of financial management and the appropriate fiscal committees of the legislature by July 1, 2010.

(17) Prior to opening game management unit 490 to public hunting, the department shall complete an environmental impact statement that includes an assessment of how public hunting activities will impact the ongoing protection of the public water supply.

(18) The department must work with appropriate stakeholders to facilitate the disposition of salmon to best utilize the resource, increase revenues to regional fisheries enhancement groups, and enhance the provision of nutrients to food banks. By November 1, 2010, the department must provide a report to the appropriate committees of the legislature summarizing these discussions, outcomes, and recommendations. After November 1, 2010, the department shall not solicit or award a surplus salmon disposal contract without first giving due consideration to implementing the recommendations developed during the stakeholder process.

(19) \$50,000 of the general fund—state appropriation for fiscal year 2011 is provided solely for increased fish production at Voight Creek hatchery.

**Sec. 1207.** 2011 c 5 s 305 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

General Fund—State Appropriation (FY 2010) . . . . .	\$48,822,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$37,321,000)</del>
	<u>\$37,302,000</u>
General Fund—Federal Appropriation . . . . .	\$28,784,000
General Fund—Private/Local Appropriation . . . . .	\$2,369,000
Forest Development Account—State Appropriation . . . . .	\$41,640,000
Off Road Vehicle Account—State Appropriation . . . . .	\$4,406,000
Surveys and Maps Account—State Appropriation . . . . .	\$2,332,000
Aquatic Lands Enhancement Account—State Appropriation . . . . .	\$8,315,000

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Resources Management Cost Account—State	
Appropriation . . . . .	\$78,704,000
Surface Mining Reclamation Account—State	
Appropriation . . . . .	\$3,494,000
Disaster Response Account—State Appropriation . . . . .	\$5,000,000
Forest and Fish Support Account—State Appropriation . . . . .	\$8,000,000
Aquatic Land Dredged Material Disposal Site	
Account—State Appropriation . . . . .	\$1,333,000
Natural Resources Conservation Areas Stewardship	
Account—State Appropriation . . . . .	\$184,000
State Toxics Control Account—State Appropriation . . . . .	\$720,000
Air Pollution Control Account—State Appropriation . . . . .	\$478,000
NOVA Program Account—State Appropriation . . . . .	\$974,000
Derelict Vessel Removal Account—State Appropriation . . . . .	\$1,749,000
Agricultural College Trust Management Account—	
State Appropriation . . . . .	\$1,941,000
TOTAL APPROPRIATION . . . . .	<del>(\$276,566,000)</del>
	<u>\$276,547,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,355,000 of the general fund—state appropriation for fiscal year 2010 and \$327,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(2) \$22,670,000 of the general fund—state appropriation for fiscal year 2010, \$15,089,000 of the general fund—state appropriation for fiscal year 2011, and \$5,000,000 of the disaster response account—state appropriation are provided solely for emergency fire suppression. None of the general fund and disaster response account amounts provided in this subsection may be used to fund agency indirect and administrative expenses. Agency indirect and administrative costs shall be allocated among the agency's remaining accounts and appropriations. The department of natural resources shall submit a quarterly report to the office of financial management and the legislative fiscal committees detailing information on current and planned expenditures from the disaster response account. This work shall be done in coordination with the military department.

(3) \$5,000,000 of the forest and fish support account—state appropriation is provided solely for adaptive management, monitoring, and participation grants to tribes. If federal funding for this purpose is reinstated, the amount provided in this subsection shall lapse.

(4) \$600,000 of the derelict vessel removal account—state appropriation is provided solely for removal of derelict and abandoned vessels that have the potential to contaminate Puget Sound.

(5) \$666,000 of the general fund—federal appropriation is provided solely to implement House Bill No. 2165 (forest biomass energy project). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.



(6) \$5,000 of the general fund—state appropriation for fiscal year 2010 and \$5,000 of the general fund—state appropriation for fiscal year 2011 are provided solely to implement Substitute House Bill No. 1038 (specialized forest products). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(7) \$440,000 of the state general fund—state appropriation for fiscal year 2010 and \$440,000 of the state general fund—state appropriation for fiscal year 2011 are provided solely for forest work crews that support correctional camps and are contingent upon continuing operations of Naselle youth camp at the level provided in fiscal year 2008. The department shall consider using up to \$2,000,000 of the general fund—federal appropriation to support and utilize correctional camp crews to implement natural resource projects approved by the federal government for federal stimulus funding.

(8) The department of natural resources shall dispose of the King Air aircraft it currently owns. Before disposal and within existing funds, the department shall transfer specialized equipment for fire surveillance to the department of fish and wildlife's Partenavia aircraft. Disposal of the aircraft must occur no later than June 30, 2010, and the proceeds from the sale of the aircraft shall be deposited into the forest and fish support account.

(9) \$30,000 of the general fund—state appropriation for fiscal year 2010 and \$28,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for implementation of Engrossed Second Substitute Bill No. 5560 (agency climate leadership). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(10) \$1,030,000 of the aquatic lands enhancement account—state appropriation for fiscal year 2011 is provided solely for continuing scientific studies already underway as part of the adaptive management process. Funds may not be used to initiate new studies unless the department secures new federal funding for the adaptive management process.

(11) Within available funds, the department of natural resources shall review the statutory method for determining aquatic lands lease rates for private marinas, public marinas not owned and operated by port districts, yacht clubs, and other entities leasing state land for boat moorage. The review shall consider alternative methods for determining rents for these entities for a fair distribution of rent, consistent with the department management mandates for state aquatic lands.

(12) \$37,000 of the general fund—state appropriation for fiscal year 2011 and \$100,000 of the aquatic lands enhancement account—state appropriation are provided solely to install up to twenty mooring buoys in Eagle Harbor and to remove abandoned boats, floats, and other trespassing structures.

(13) By October 1, 2010, the department shall enter into an interagency agreement with the department of fish and wildlife for providing land management services on the department of fish and wildlife's wildlife conservation and recreation lands. Land management services may include but are not limited to records management, real estate services such as surveying, and land acquisition and disposal services. The interagency agreement shall describe business processes, service delivery expectations, cost, and timing. A draft agreement shall be submitted to the office of financial management and the appropriate fiscal committees of the legislature by July 1, 2010.

(14) \$41,000 of the forest development account—state appropriation, \$44,000 of the resources management cost account—state appropriation, and \$2,000 of the agricultural college trust management account—state appropriation are provided solely for the implementation of Second Substitute House Bill No. 2481 (DNR forest biomass agreements). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

Sec. 1208. 2011 c 5 s 306 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF AGRICULTURE**

General Fund—State Appropriation (FY 2010) . . . . .	\$12,320,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$15,391,000)</del>
	<u>\$15,366,000</u>
General Fund—Federal Appropriation . . . . .	\$21,047,000
General Fund—Private/Local Appropriation . . . . .	\$193,000
Aquatic Lands Enhancement Account—State Appropriation . . . . .	\$2,564,000
State Toxics Control Account—State Appropriation . . . . .	\$4,724,000
Water Quality Permit Account—State Appropriation . . . . .	\$61,000
TOTAL APPROPRIATION . . . . .	<del>(\$56,300,000)</del>
	<u>\$56,275,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$350,000 of the aquatic lands enhancement account appropriation is provided solely for funding to the Pacific county noxious weed control board to eradicate remaining spartina in Willapa Bay.

(2) \$19,000 of the general fund—state appropriation for fiscal year 2010 and \$6,000 of the general fund—state appropriation for fiscal year 2011 are provided solely to implement Substitute Senate Bill No. 5797 (solid waste handling permits). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(3) The department is authorized to establish or increase the following fees in the 2009-11 biennium as necessary to meet the actual costs of conducting business: Christmas tree grower licensing, nursery dealer licensing, plant pest inspection and testing, and commission merchant licensing.

(4) \$5,179,000 of the general fund—state appropriation for fiscal year 2011 and \$2,782,000 of the general fund—federal appropriation are provided solely for implementation of Substitute Senate Bill No. 6341 (food assistance/department of agriculture). Within amounts appropriated in this subsection, \$65,000 of the general fund—state appropriation for fiscal year 2011 is provided solely for a contract with a food distribution program for communities in the southwestern portion of the state and for workers impacted by timber and salmon fishing closures and reductions. The department may not charge administrative overhead or expenses to this contract. If the bill is not enacted by June 30, 2010, the amounts provided in this subsection shall lapse.

(5) The department shall, if public or private funds are available, partner with eligible public and private entities with experience in food collection and distribution to review funding sources for eight full-time volunteers in the AmeriCorps VISTA program to conduct outreach to local growers, agricultural donors, and community volunteers. Public and private partners shall also be

utilized to coordinate gleaning unharvested tree fruits and fresh produce for distribution to individuals throughout Washington state.

(6) When reducing laboratory activities and functions, the department shall not impact any research or analysis pertaining to bees.

Sec. 1209. 2011 c 5 s 307 (uncodified) is amended to read as follows:

**FOR THE PUGET SOUND PARTNERSHIP**

General Fund—State Appropriation (FY 2010) . . . . .	\$3,143,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$2,528,000)</del>
	<u>\$2,525,000</u>
General Fund—Federal Appropriation . . . . .	\$8,096,000
Aquatic Lands Enhancement Account—State Appropriation . . . . .	\$493,000
State Toxics Control Account—State Appropriation . . . . .	\$794,000
TOTAL APPROPRIATION . . . . .	<del>(\$15,054,000)</del>
	<u>\$15,051,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$305,000 of the general fund—state appropriation for fiscal year 2010 is provided solely for measuring water and habitat quality to determine watershed health and assist salmon recovery.

(2) \$794,000 of the state toxics control account—state appropriation is provided solely for activities that contribute to Puget Sound protection and recovery, including provision of independent advice and assessment of the state's oil spill prevention, preparedness, and response programs, including review of existing activities and recommendations for any necessary improvements. The partnership may carry out this function through an existing committee, such as the ecosystem coordination board or the leadership council, or may appoint a special advisory council. Because this is a unique statewide program, the partnership may invite participation from outside the Puget Sound region.

(3) Within the amounts appropriated in this section, the Puget Sound partnership shall facilitate an ongoing monitoring consortium to integrate monitoring efforts for storm water, water quality, watershed health, and other indicators to enhance monitoring efforts in Puget Sound.

(4) The Puget Sound partnership shall work with Washington State University and the environmental protection agency to secure funding for the beach watchers program.

(5) \$839,000 of the general fund—state appropriation for fiscal year 2010 and \$608,000 of the general fund—state appropriation for fiscal year 2011 are provided solely to support public education and volunteer programs. The partnership is directed to distribute the majority of funding as grants to local organizations, local governments, and education, communication, and outreach network partners. The partnership shall track progress for this activity through the accountability system of the Puget Sound partnership.

(6) The Puget Sound partnership shall negotiate an agreement with the recreation and conservation office to consolidate or share certain administrative functions currently performed by each agency independently. The agencies shall proportionately share the costs of such shared functions. Examples of shared functions may include, but are not limited to, support for personnel, information technology, grant and contract management, invasive species work, legislative

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coordination, and policy and administrative support of various boards and councils.

**PART XIII**  
**TRANSPORTATION**

**Sec. 1301.** 2011 c 5 s 401 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING**

General Fund—State Appropriation (FY 2010) . . . . .	\$1,436,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$1,322,000)</del>
	<u>\$1,320,000</u>
Architects' License Account—State Appropriation . . . . .	\$923,000
Professional Engineers' Account—State Appropriation. . . . .	\$3,568,000
Real Estate Commission Account—State Appropriation . . . . .	\$9,987,000
Master License Account—State Appropriation . . . . .	\$15,718,000
Uniform Commercial Code Account—State Appropriation . . . . .	\$3,090,000
Real Estate Education Account—State Appropriation . . . . .	\$276,000
Real Estate Appraiser Commission Account—State Appropriation. . . . .	\$1,683,000
Business and Professions Account—State Appropriation . . . . .	\$15,188,000
Real Estate Research Account—State Appropriation. . . . .	\$471,000
Geologists' Account—State Appropriation. . . . .	\$53,000
Derelict Vessel Removal Account—State Appropriation. . . . .	\$31,000
<b>TOTAL APPROPRIATION . . . . .</b>	<del><b>(\$53,746,000)</b></del>
	<u><b>\$53,744,000</b></u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Pursuant to RCW 43.135.055, the department is authorized to increase fees for cosmetologists, funeral directors, cemeteries, court reporters and appraisers. These increases are necessary to support the expenditures authorized in this section, consistent with RCW 43.24.086.

(2) \$1,352,000 of the business and professions account—state appropriation is provided solely to implement Substitute Senate Bill No. 5391 (tattoo and body piercing). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(3) \$358,000 of the business and professions account—state appropriation is provided solely to implement Senate Bill No. 6126 (professional athletics). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(4) \$151,000 of the real estate research account appropriation is provided solely to implement chapter 156, Laws of 2010 (real estate broker licensure fees).

(5) \$158,000 of the architects' license account—state appropriation is provided solely to implement chapter 129, Laws of 2010 (architect licensing).

(6) \$60,000 of the master license account—state appropriation is provided solely to implement chapter 174, Laws of 2010 (vaccine association). The

amount provided in this subsection shall be from fee revenue authorized in chapter 174, Laws of 2010.

**Sec. 1302.** 2011 c 5 s 402 (uncodified) is amended to read as follows:

**FOR THE STATE PATROL**

General Fund—State Appropriation (FY 2010) . . . . .	\$38,977,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$33,292,000)</del>
	<u>\$32,867,000</u>
General Fund—Federal Appropriation . . . . .	\$15,793,000
General Fund—Private/Local Appropriation . . . . .	\$4,986,000
Death Investigations Account—State Appropriation . . . . .	\$5,580,000
Enhanced 911 Account—State Appropriation . . . . .	\$603,000
County Criminal Justice Assistance Account—State Appropriation. . . . .	\$3,146,000
Municipal Criminal Justice Assistance Account—State Appropriation. . . . .	\$1,255,000
Fire Service Trust Account—State Appropriation . . . . .	\$131,000
Disaster Response Account—State Appropriation. . . . .	\$8,002,000
Fire Service Training Account—State Appropriation . . . . .	\$8,821,000
Aquatic Invasive Species Enforcement Account—State Appropriation. . . . .	\$54,000
State Toxics Control Account—State Appropriation . . . . .	\$509,000
Fingerprint Identification Account—State Appropriation. . . . .	\$10,454,000
<b>TOTAL APPROPRIATION . . . . .</b>	<del><b>(\$131,603,000)</b></del>
	<u><b>\$131,178,000</b></u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$200,000 of the fire service training account—state appropriation is provided solely for two FTEs in the office of the state director of fire protection to exclusively review K-12 construction documents for fire and life safety in accordance with the state building code. It is the intent of this appropriation to provide these services only to those districts that are located in counties without qualified review capabilities.

(2) \$8,000,000 of the disaster response account—state appropriation is provided solely for Washington state fire service resource mobilization costs incurred in response to an emergency or disaster authorized under RCW 43.43.960 and 43.43.964. The state patrol shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on current and planned expenditures from this account. This work shall be done in coordination with the military department.

(3) The 2010 legislature will review the use of king air planes by the executive branch and the adequacy of funding in this budget regarding maintaining and operating the planes to successfully accomplish their mission.

(4) The appropriations in this section reflect reductions in the appropriations for the agency's administrative expenses. It is the intent of the legislature that these reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

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(5) \$400,000 of the fire service training account—state appropriation is provided solely for the firefighter apprenticeship training program.

(6) \$48,000 of the fingerprint identification account—state appropriation is provided solely to implement Substitute House Bill No. 1621 (consumer loan companies). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(7) In accordance with RCW 43.43.942, 46.52.085, and 43.135.055, the state patrol is authorized to increase the following fees in fiscal year 2011 as necessary to meet the actual costs of conducting business and the appropriation levels in this section: Collision records requests; fire training academy courses; and fire training academy dorm accommodations.

(8) \$24,000 of the fingerprint identification account—state appropriation is provided solely for implementation of chapter 47, Laws of 2010 (criminal background checks).

**PART XIV  
EDUCATION**

**Sec. 1401.** 2011 c 5 s 501 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

General Fund—State Appropriation (FY 2010) . . . . .	\$35,415,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$30,196,000)</del>
	<u>\$30,136,000</u>
General Fund—Federal Appropriation . . . . .	\$87,081,000
TOTAL APPROPRIATION . . . . .	<del>(\$152,692,000)</del>
	<u>\$152,632,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of \$23,096,000 of the general fund—state appropriation for fiscal year 2010 and \$20,070,000 of the general fund—state appropriation for fiscal year 2011 is for state agency operations.

(a) \$11,226,000 of the general fund—state appropriation for fiscal year 2010 and \$9,709,000 of the general fund—state appropriation for fiscal year 2011 are for the operation and expenses of the office of the superintendent of public instruction.

(i) Within the amounts provided in this subsection, the superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award.

(ii) Within amounts appropriated in this subsection (1)(a), the office of the superintendent of public instruction, consistent with WAC 392-121-182 (alternative learning experience requirements) which requires documentation of alternative learning experience student headcount and full-time equivalent (FTE) enrollment claimed for basic education funding, shall provide, monthly, accurate monthly headcount and FTE enrollments for students in alternative learning experience (ALE) programs as well as information about resident and serving districts.

(iii) Within amounts provided in this subsection (1)(a), the state superintendent of public instruction shall share best practices with school districts regarding strategies for increasing efficiencies and economies of scale in school district noninstructional operations through shared service arrangements and school district cooperatives, as well as other practices.

(b) \$25,000 of the general fund—state appropriation for fiscal year 2011 is provided to the office of the superintendent of public instruction solely to convene a science, technology, engineering, and mathematics (STEM) working group to develop a comprehensive plan with a shared vision, goals, and measurable objectives to improve policies and practices to ensure that a pathway is established for elementary schools, middle schools, high schools, postsecondary degree programs, and careers in the areas of STEM, including improving practices for recruiting, preparing, hiring, retraining, and supporting teachers and instructors while creating pathways to boost student success, close the achievement gap, and prepare every student to be college and career ready. The working group shall be composed of the director of STEM at the office of the superintendent of public instruction who shall be the chair of the working group, and at least one representative from the state board of education, professional educator standards board, state board of community and technical colleges, higher education coordinating board, workforce training and education coordinating board, the achievement gap oversight and accountability committee, and others with appropriate expertise. The working group shall develop a comprehensive plan and a report with recommendations, including a timeline for specific actions to be taken, which is due to the governor and the appropriate committees of the legislature by December 1, 2010.

(c) \$920,000 of the general fund—state appropriation for fiscal year 2010 and \$491,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for research and development activities associated with the development of options for new school finance systems, including technical staff, reprogramming, and analysis of alternative student funding formulae. Within this amount is \$150,000 for the state board of education for further development of accountability systems, and \$150,000 for the professional educator standards board for continued development of teacher certification and evaluation systems.

(d) \$965,000 of the general fund—state appropriation for fiscal year 2010 and \$887,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities.

(e) \$5,366,000 of the general fund—state appropriation for fiscal year 2010 and \$3,103,000 of the general fund—state appropriation for fiscal year 2011 are provided solely to the professional educator standards board for the following:

(i) \$1,070,000 in fiscal year 2010 and \$985,000 in fiscal year 2011 are for the operation and expenses of the Washington professional educator standards board;

(ii) \$4,106,000 of the general fund—state appropriation for fiscal year 2010 and \$1,936,000 of the general fund—state appropriation for fiscal year 2011 are for conditional scholarship loans and mentor stipends provided through the alternative routes to certification program administered by the professional educator standards board, including the pipeline for paraeducators program and

the retooling to teach conditional loan programs. Funding within this subsection (1)(f)(ii) is also provided for the recruiting Washington teachers program.

(iii) \$102,000 of the general fund—state appropriation for fiscal year 2010 is provided for the implementation of Second Substitute Senate Bill No. 5973 (student achievement gap). \$94,000 of the general fund—state appropriation for fiscal year 2011 is provided solely for the ongoing work of the achievement gap oversight and accountability committee and implementation of the committee's recommendations.

(f) \$1,349,000 of the general fund—state appropriation for fiscal year 2010 and \$144,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for replacement of the apportionment system, which includes the processes that collect school district budget and expenditure information, staffing characteristics, and the student enrollments that drive the funding process.

(g) \$1,140,000 of the general fund—state appropriation for fiscal year 2010 and \$1,227,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for the creation of a statewide data base of longitudinal student information. This amount is conditioned on the department satisfying the requirements in section 902 of this act.

(h) \$75,000 of the general fund—state appropriation for fiscal year 2010 is provided solely to promote the financial literacy of students. The effort will be coordinated through the financial education public-private partnership. It is expected that nonappropriated funds available to the public-private partnership will be sufficient to continue financial literacy activities.

(i) To the maximum extent possible, in adopting new agency rules or making any changes to existing rules or policies related to the fiscal provisions in the administration of part V of this act, the office of the superintendent of public instruction shall attempt to request approval through the normal legislative budget process.

(j) \$44,000 of the general fund—state appropriation for fiscal year 2010 and \$45,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for the implementation of Substitute Senate Bill No. 5248 (enacting the interstate compact on educational opportunity for military children).

(k) \$700,000 of the general fund—state appropriation for fiscal year 2010 and \$700,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for the implementation of Substitute Senate Bill No. 5410 (online learning).

(l) \$25,000 of the general fund—state appropriation for fiscal year 2010 and \$12,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for project citizen, a program sponsored by the national conference of state legislatures and the center for civic education to promote participation in government by middle school students.

(m) \$2,518,000 of the general fund—state appropriation for fiscal year 2011 is provided solely for the implementation of Substitute House Bill No. 2776 (K-12 education funding). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

(n) \$89,000 of the general fund—state appropriation for fiscal year 2011 is provided solely for the implementation of Engrossed Second Substitute House



Bill No. 3026 (state and federal civil rights laws). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

(o) Beginning in the 2010-11 school year, the superintendent of public instruction shall require all districts receiving general apportionment funding for alternative learning experience (ALE) programs as defined in WAC 392-121-182 to provide separate financial accounting of expenditures for the ALE programs offered in district or with a provider, including but not limited to private companies and multidistrict cooperatives.

(p) \$55,000 of the general fund—state appropriation for fiscal year 2011 is provided to the office of the superintendent of public instruction solely to convene a technical working group to establish standards, guidelines, and definitions for what constitutes a basic education program for highly capable students and the appropriate funding structure for such a program, and to submit recommendations to the legislature for consideration. The working group may convene advisory subgroups on specific topics as necessary to assure participation and input from a broad array of diverse stakeholders. The working group must consult with and seek input from nationally recognized experts; researchers and academics on the unique educational, emotional, and social needs of highly capable students and how to identify such students; representatives of national organizations and associations for educators of or advocates for highly capable students; school district representatives who are educators, counselors, and classified school employees involved with highly capable programs; parents of students who have been identified as highly capable; representatives from the federally recognized tribes; and representatives of cultural, linguistic, and racial minority groups and the community of persons with disabilities. The working group shall make recommendations to the quality education council and to appropriate committees of the legislature by December 1, 2010. The recommendations shall take into consideration that access to the program for highly capable students is not an individual entitlement for any particular student. The recommendations shall seek to minimize underrepresentation of any particular demographic or socioeconomic group by better identification, not lower standards or quotas, and shall include the following:

(i) Standardized state-level identification procedures, standards, criteria, and benchmarks, including a definition or definitions of a highly capable student. Students who are both highly capable and are students of color, are poor, or have a disability must be addressed;

(ii) Appropriate programs and services that have been shown by research and practice to be effective with highly capable students but maintain options and flexibility for school districts, where possible;

(iii) Program administration, management, and reporting requirements for school districts;

(iv) Appropriate educator qualifications, certification requirements, and professional development and support for educators and other staff who are involved in programs for highly capable students;

(v) Self-evaluation models to be used by school districts to determine the effectiveness of the program and services provided by the school district for highly capable programs;

(vi) An appropriate state-level funding structure; and

(vii) Other topics deemed to be relevant by the working group.

(q) \$1,000,000 of the general fund—state appropriation for fiscal year 2011 is provided solely for contracting with a college scholarship organization with expertise in conducting outreach to students concerning eligibility for the Washington college bound scholarship consistent with chapter 405, Laws of 2007.

(r) \$24,000 of the general fund—state appropriation for fiscal year 2010 is provided solely for implementation of Substitute Senate Bill No. 6759 (requiring a plan for a voluntary program of early learning as a part of basic education). If the bill is not enacted by June 30, 2010, the amounts provided in this subsection (1)(r) shall lapse.

(s) \$950,000 of the general fund—state appropriation for fiscal year 2010 ~~((is))~~ and \$150,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for office of the attorney general costs related to *McCleary v. State of Washington*.

(2) \$12,320,000 of the general fund—state appropriation for fiscal year 2010, \$10,127,000 of the general fund—state appropriation for fiscal year 2011, and \$55,890,000 of the general fund—federal appropriation are for statewide programs.

(a) HEALTH AND SAFETY

(i) \$2,541,000 of the general fund—state appropriation for fiscal year 2010 and \$2,381,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(ii) \$100,000 of the general fund—state appropriation for fiscal year 2010 and \$94,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for a school safety training program provided by the criminal justice training commission. The commission, in collaboration with the school safety center advisory committee, shall provide the school safety training for all school administrators and school safety personnel, including school safety personnel hired after the effective date of this section.

(iii) \$9,670,000 of the general fund—federal appropriation is provided for safe and drug free schools and communities grants for drug and violence prevention activities and strategies.

(iv) \$96,000 of the general fund—state appropriation for fiscal year 2010 and \$90,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for the school safety center in the office of the superintendent of public instruction subject to the following conditions and limitations:

(A) The safety center shall: Disseminate successful models of school safety plans and cooperative efforts; provide assistance to schools to establish a comprehensive safe school plan; select models of cooperative efforts that have been proven successful; act as an information dissemination and resource center when an incident occurs in a school district either in Washington or in another state; coordinate activities relating to school safety; review and approve manuals and curricula used for school safety models and training; and develop and maintain a school safety information web site.

(B) The school safety center advisory committee shall develop a training program, using the best practices in school safety, for all school safety personnel.

(v) \$70,000 of the general fund—state appropriation for fiscal year 2010 is provided solely for the youth suicide prevention program.

(vi) \$50,000 of the general fund—state appropriation for fiscal year 2010 and \$47,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for a nonviolence and leadership training program provided by the institute for community leadership.

(b) TECHNOLOGY

(i) \$1,842,000 of the general fund—state appropriation for fiscal year 2010 and \$1,635,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(ii) \$1,475,000 of the general fund—state appropriation for fiscal year 2010, \$1,045,000 of the general fund—state appropriation for fiscal year 2011, and \$435,000 of the general fund—federal appropriation are provided solely for implementing a comprehensive data system to include financial, student, and educator data. The office of the superintendent of public instruction will convene a data governance group to create a comprehensive needs-requirement document, conduct a gap analysis, and define operating rules and a governance structure for K-12 data collections.

(c) GRANTS AND ALLOCATIONS

(i) \$1,329,000 of the general fund—state appropriation for fiscal year 2010 and \$664,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for the special services pilot project to include up to seven participating districts. The office of the superintendent of public instruction shall allocate these funds to the district or districts participating in the pilot program according to the provisions of RCW 28A.630.016.

(ii) \$750,000 of the general fund—state appropriation for fiscal year 2010 and \$750,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for the Washington state achievers scholarship program. The funds shall be used to support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars.

(iii) \$25,000 of the general fund—state appropriation for fiscal year 2010 is provided solely for developing and disseminating curriculum and other materials documenting women's role in World War II.

(iv) \$175,000 of the general fund—state appropriation for fiscal year 2010 and \$87,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for incentive grants for districts and pilot projects to develop preapprenticeship programs. Incentive grant awards up to \$10,000 each shall be used to support the program's design, school/business/labor agreement negotiations, and recruiting high school students for preapprenticeship programs in the building trades and crafts.

(v) \$2,898,000 of the general fund—state appropriation for fiscal year 2010 and \$2,924,000 of the general fund—state appropriation for fiscal year 2011 are

provided solely for the dissemination of the navigation 101 curriculum to all districts. The funding shall support electronic student planning tools and software for analyzing the impact of navigation 101 on student performance, as well as grants to a maximum of one hundred school districts each year, based on progress and need for the implementation of the navigation 101 program. The implementation grants shall be awarded to a cross-section of school districts reflecting a balance of geographic and demographic characteristics. Within the amounts provided, the office of the superintendent of public instruction will create a navigation 101 accountability model to analyze the impact of the program.

(vi) \$627,000 of the general fund—state appropriation for fiscal year 2010 and \$225,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for implementation of a statewide program for comprehensive dropout prevention, intervention, and retrieval.

(vii) \$40,000 of the general fund—state appropriation for fiscal year 2010 is provided solely for program initiatives to address the educational needs of Latino students and families. Using the full amounts of the appropriations under this subsection (2)(c)(vii), the office of the superintendent of public instruction shall contract with the Seattle community coalition of compaña quetzal to provide for three initiatives: (A) Early childhood education; (B) parent leadership training; and (C) high school success and college preparation programs.

(viii) \$60,000 of the general fund—state appropriation for fiscal year 2010 is provided solely for a pilot project to encourage bilingual high school students to pursue public school teaching as a profession. Using the full amounts of the appropriation under this subsection, the office of the superintendent of public instruction shall contract with the Latino/a educational achievement project (LEAP) to work with school districts to identify and mentor not fewer than fifty bilingual students in their junior year of high school, encouraging them to become bilingual instructors in schools with high English language learner populations. Students shall be mentored by bilingual teachers and complete a curriculum developed and approved by the participating districts.

(ix) \$145,000 of the general fund—state appropriation for fiscal year 2010 and \$37,000 of the general fund—state appropriation for fiscal year 2011 are provided solely to the office of the superintendent of public instruction to enhance the reading skills of students with dyslexia by implementing the findings of the dyslexia pilot program. Funds shall be used to provide information and training to classroom teachers and reading specialists, for development of a dyslexia handbook, and to take other statewide actions to improve the reading skills of students with dyslexia. The training program shall be delivered regionally through the educational service districts.

(x) \$97,000 of the general fund—state appropriation for fiscal year 2010 and \$48,000 of the general fund—state appropriation for fiscal year 2011 are provided solely to support vocational student leadership organizations.

(xi) \$100,000 of the general fund—state appropriation for fiscal year 2011 is provided solely for drop-out prevention programs at the office of the superintendent of public instruction including the jobs for America's graduates (JAG) program.

**Sec. 1402.** 2011 c 5 s 502 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT**

General Fund—State Appropriation (FY 2010) . . . . .	\$5,126,153,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$4,887,369,000)</del>
	<u>\$4,748,555,000</u>
General Fund—Federal Appropriation . . . . .	\$208,098,000
TOTAL APPROPRIATION . . . . .	<del>(\$10,221,620,000)</del>
	<u>\$10,082,806,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) The appropriations in this section include federal funds provided through section 101 of Public Law No. 111-226 (education jobs fund), which shall be used to support general apportionment program funding. In distributing general apportionment allocations under this section for the 2010-11 school year, the superintendent shall include the entire allocation from the federal funds provided through section 101 of Public Law No. 111-226 (education jobs fund) as part of each district's general apportionment allocation.

(2) Allocations for certificated staff salaries for the 2009-10 and 2010-11 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in (e) through (g) of this subsection shall be reduced for vocational full-time equivalent enrollments. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:

(a) On the basis of each 1,000 average annual full-time equivalent enrollments, excluding full-time equivalent enrollment otherwise recognized for certificated staff unit allocations under (d) through (g) of this subsection:

(i) Four certificated administrative staff units per thousand full-time equivalent students in grades K-12;

(ii)(A)(I) For districts that enroll fewer than 25 percent of their total full-time equivalent student enrollment in grades K through three in digital or online learning programs as defined in WAC 392-121-182, as in effect on November 1, 2009: For the 2009-10 school year, fifty-three and two-tenths certificated instructional staff units per thousand full-time equivalent students in grades K through three and, for the portion of the 2010-11 school year from September 1, 2010, through January 31, 2011, fifty and seventy-five one-hundredths certificated instructional staff units per thousand full-time equivalent students in grades K through three.

(II) For all other districts for the 2009-10 school year, a minimum of forty-nine certificated instructional staff units per 1,000 full-time equivalent (FTE) students in grades K through three, with additional certificated instructional staff units to equal the documented staffing level in grades K through three, up to a

maximum of fifty-three and two-tenths certificated instructional staff units per 1,000 FTE students.

For the portion of the 2010 school year from September 1, 2010, through January 31, 2011, a minimum of forty-nine certificated instructional staff units per thousand full-time equivalent students in grades K through three, with additional certificated instructional staff units to equal the documented staffing level in grades K through three, up to a maximum of fifty and seventy-five one-hundredths certificated instructional staff units per thousand full-time equivalent students in grades K through three.

(B)(I) For districts that enroll fewer than 25 percent of their total full-time equivalent student enrollment in grade four in digital or online learning programs defined in WAC 392-121-182 as in effect on November 1, 2009: For the 2009-10 school year, fifty-three and two-tenths certificated instructional staff units per thousand full-time equivalent students in grade four, and for the portion of the 2010-11 school year from September 1, 2010, through January 31, 2011, forty-six and twenty-seven one-hundredths certificated instructional staff units per thousand full-time equivalent students in grade four.

(II) For all other districts:

For the 2009-10 school year, a minimum of forty-six certificated instructional staff units per 1,000 full-time equivalent (FTE) students in grade four, and additional certificated instructional staff units to equal the documented staffing level in grade four, up to a maximum of fifty-three and two-tenths certificated instructional staff units per 1,000 FTE students.

For the portion of the 2010-11 school year from September 1, 2010, through January 31, 2011, a minimum of forty-six certificated instructional staff units per 1,000 full-time equivalent (FTE) students in grade four, and additional certificated instructional staff units to equal the documented staffing level in grade four, up to a maximum of forty-six and twenty-seven one-hundredths certificated instructional staff units per 1,000 FTE students;

(iii) For the portion of the 2010-11 school year beginning February 1, 2010:

(A) Forty-nine certificated instructional staff units per thousand full-time equivalent students in grades kindergarten through three;

(B) Forty-six certificated instructional staff units per thousand full-time equivalent students in grade 4;

(iv) All allocations for instructional staff units per thousand full-time equivalent students above forty-nine in grades kindergarten through three and forty-six in grade four shall occur in apportionments in the monthly periods prior to February 1, 2011;

(v) Forty-six certificated instructional staff units per thousand full-time equivalent students in grades 5-12;

(vi) Certificated staff allocations in this subsection (2)(a) exceeding the statutory minimums established in RCW 28A.150.260 shall not be considered part of basic education;

(b) For school districts with a minimum enrollment of 250 full-time equivalent students whose full-time equivalent student enrollment count in a given month exceeds the first of the month full-time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full-time

equivalent students been included in the normal enrollment count for that particular month;

(c)(i) On the basis of full-time equivalent enrollment in:

(A) Vocational education programs approved by the superintendent of public instruction, a maximum of 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 19.5 full-time equivalent vocational students;

(B) Middle school vocational STEM programs approved by the superintendent of public instruction, a maximum of 0.92 certificated instructional staff units and 0.8 certificated administrative staff units for each 19.5 full-time equivalent vocational students; and

(C) Skills center programs meeting the standards for skills center funding established in January 1999 by the superintendent of public instruction with a waiver allowed for skills centers in current operation that are not meeting this standard until the 2010-11 school year, 0.92 certificated instructional staff units and 0.08 certificated administrative units for each 16.67 full-time equivalent vocational students;

(ii) Vocational full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported vocational enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support; and

(iii) Indirect cost charges by a school district to vocational-secondary programs and vocational middle-school shall not exceed 15 percent of the combined basic education and vocational enhancement allocations of state funds;

(d) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational full-time equivalent students;

(g) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit; and

(h) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 2009-10 and 2010-11 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2)(e) through (h) of this section, one classified staff unit for each 2.94 certificated staff units allocated under such subsections;

(b) For all other enrollment in grades K-12, including vocational full-time equivalent enrollments, one classified staff unit for each 58.75 average annual full-time equivalent students; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 14.43 percent in the 2009-10 school year and 14.43 percent in the 2010-11 school year for certificated salary allocations provided under subsection (2) of this section, and a rate of 16.59 percent in the 2009-10 school year and 16.59 percent in the 2010-11 school year for classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504(2) of this act, based on the number of benefit units determined as follows:



(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(a), (b), and (d) through (g) of this section, there shall be provided a maximum of \$10,179 per certificated staff unit in the 2009-10 school year and a maximum of \$10,424 per certificated staff unit in the 2010-11 school year.

(b) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(A) of this section, there shall be provided a maximum of \$24,999 per certificated staff unit in the 2009-10 school year and a maximum of \$25,399 per certificated staff unit in the 2010-11 school year.

(c) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(B) of this section, there shall be provided a maximum of \$19,395 per certificated staff unit in the 2009-10 school year and a maximum of \$19,705 per certificated staff unit in the 2010-11 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maintenance rate of \$607.44 for the 2009-10 and 2010-11 school years per allocated classroom teachers exclusive of salary increase amounts provided in section 504 of this act. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported statewide for the prior school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) Funding in this section is sufficient to provide additional service year credits to educational staff associates pursuant to chapter 403, Laws of 2007.

(10)(a) The superintendent may distribute a maximum of \$5,452,000 outside the basic education formula during fiscal years 2010 and 2011 as follows:

(i) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$567,000 may be expended in fiscal year 2010 and a maximum of \$576,000 may be expended in fiscal year 2011;

(ii) For summer vocational programs at skills centers, a maximum of \$2,385,000 may be expended for the 2010 fiscal year and a maximum of \$600,000 for the 2011 fiscal year;

(iii) A maximum of \$403,000 may be expended for school district emergencies; and

(iv) A maximum of \$485,000 for fiscal year 2010 and \$436,000 for fiscal year 2011 may be expended for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs.

(b) Funding in this section is sufficient to fund a maximum of 1.6 FTE enrollment for skills center students pursuant to chapter 463, Laws of 2007.

(11) For purposes of RCW 84.52.0531, the increase per full-time equivalent student is 4.0 percent from the 2008-09 school year to the 2009-10 school year and 4.0 percent from the 2009-10 school year to the 2010-11 school year.

(12) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2)(b) through (g) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2)(a) through (h) of this section shall be reduced in increments of twenty percent per year.

(13) General apportionment payments to the Steilacoom historical school district shall reflect changes to operation of the Harriet Taylor elementary school consistent with the timing of reductions in correctional facility capacity and staffing.

(14) (~~(\$2,500,000)~~) \$15,500,000 of the general fund—state appropriation for fiscal year 2011 is provided solely for the superintendent for financial contingency funds for eligible school districts. Of the amount provided in this subsection, \$2,500,000 is for school districts needing financial assistance as a result of budget reductions included in this act. Of the amount provided in this subsection, \$13,000,000 is for school districts needing financial assistance as a result of delaying a portion of the June apportionment payment. The financial contingency funds shall be allocated to eligible districts in the form of an advance of their respective general apportionment allocations.

(a) Eligibility:

The superintendent shall determine a district's eligibility for receipt of financial contingency funds, and districts shall be eligible only if the following conditions are met:

(i) A petition is submitted by the school district as provided in RCW 28A.510.250 and WAC 392-121-436; and

(ii) The district's projected general fund balance for the month of March is less than one-half of one percent of its budgeted general fund expenditures as submitted to the superintendent for the 2010-11 school year on the F-196 report.

(b) Calculations:

The superintendent shall calculate the financial contingency allocation to each district as the lesser of:

(i) The amount set forth in the school district's resolution;

(ii) An amount not to exceed 10 percent of the total amount to become due and apportionable to the district from September 1st through August 31st of the current school year;

(iii) The highest negative monthly cash and investment balance of the general fund between the date of the resolution and May 31st of the school year based on projections approved by the county treasurer and the educational service district.

(c) Repayment:

For any amount allocated to a district in state fiscal year 2011, the superintendent shall deduct in state fiscal year 2012 from the district's general apportionment the amount of the emergency contingency allocation and any earnings by the school district on the investment of a temporary cash surplus due to the emergency contingency allocation. Repayments or advances will be accomplished by a reduction in the school district's apportionment payments on or before June 30th of the school year following the distribution of the emergency contingency allocation. All disbursements, repayments, and outstanding allocations to be repaid of the emergency contingency pool shall be reported to the office of financial management and the appropriate fiscal committees of the legislature on July 1st and January 1st of each year.

**Sec. 1403.** 2010 1st sp.s. c 37 s 504 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS**

General Fund—State Appropriation (FY 2010) . . . . .	(\$4,414,000)
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$1,806,000)</del>
	<u>(\$1,539,000)</u>
General Fund—Federal Appropriation . . . . .	(\$1,000)
TOTAL APPROPRIATION . . . . .	<del>(\$6,221,000)</del>
	<u>(\$5,954,000)</u>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Additional salary adjustments as necessary to fund the base salaries for certificated instructional staff as listed for each district in LEAP Document 2, defined in section 503(2)(b) of this act. Allocations for these salary adjustments shall be provided to all districts that are not grandfathered to receive salary allocations above the statewide salary allocation schedule, and to certain grandfathered districts to the extent necessary to ensure that salary allocations for districts that are currently grandfathered do not fall below the statewide salary allocation schedule.

(b) Additional salary adjustments to certain districts as necessary to fund the per full-time-equivalent salary allocations for certificated administrative staff as listed for each district in LEAP Document 2, defined in section 503(2)(b) of this act. These adjustments shall ensure a minimum salary allocation for certificated administrative staff of \$57,986 in the 2009-10 school year and \$57,986 in the 2010-11 school year.

(c) Additional salary adjustments to certain districts as necessary to fund the per full-time-equivalent salary allocations for classified staff as listed for each district in LEAP Document 2, defined in section 503(2)(b) of this act. These salary adjustments ensure a minimum salary allocation for classified staff of \$31,865 in the 2009-10 school year and \$31,865 in the 2010-11 school year.

(d) The appropriations in this subsection (1) include associated incremental fringe benefit allocations at rates 13.79 percent for the 2009-10 school year and 13.79 percent for the 2010-11 school year for certificated staff and 13.09 percent for the 2009-10 school year and 13.09 percent for the 2010-11 school year for classified staff.

(e) The appropriations in this section include the increased or decreased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Changes for general apportionment (basic education) are based on the salary allocation schedules and methodology in sections 502 and 503 of this act. Changes for special education result from changes in each district's basic education allocation per student. Changes for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in sections 502 and 503 of this act. The appropriations in this section provide incremental fringe benefit alterations based on formula adjustments as follows:

	School Year	
	2009-10	2010-11
Pupil Transportation (per weighted pupil mile)	\$0	\$0
Highly Capable (per formula student)	(\$1.49)	(\$2.98)
Transitional Bilingual Education (per eligible bilingual student)	(\$3.93)	(\$7.86)
Learning Assistance (per formula student)	(\$1.18)	(\$2.36)

(f) The appropriations in this section include no salary adjustments for substitute teachers.

(2) \$44,213,000 is provided for adjustments to insurance benefit allocations. The maintenance rate for insurance benefit allocations is \$732.00 per month for the 2009-10 and 2010-11 school years. The appropriations in this section provide for a rate increase to \$745.00 per month for the 2009-10 school year and \$768.00 per month for the 2010-11 school year. The adjustments to health insurance benefits are at the following rates:

	School Year	
	2009-10	2010-11
Pupil Transportation (per weighted pupil mile)	\$0.12	\$0.33
Highly Capable (per formula student)	\$0.79	\$2.22
Transitional Bilingual Education (per eligible bilingual student)	\$2.11	\$5.83
Learning Assistance (per formula student)	\$0.54	\$1.49

(3) The rates specified in this section are subject to revision each year by the legislature.

**Sec. 1404.** 2011 c 5 s 503 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION**

General Fund—State Appropriation (FY 2010) . . . . .	\$317,116,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$296,408,000)</del>
	<u>\$297,393,000</u>
TOTAL APPROPRIATION . . . . .	<del>(\$613,524,000)</del>
	<u>\$614,509,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) A maximum of \$878,000 of this fiscal year 2010 appropriation and a maximum of \$803,000 of the fiscal year 2011 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(3) Allocations for transportation of students shall be based on reimbursement rates of \$48.15 per weighted mile in the 2009-10 school year and \$48.37 per weighted mile in the 2010-11 school year exclusive of salary and benefit adjustments provided in section 504 of this act. Allocations for transportation of students transported more than one radius mile shall be based on weighted miles as determined by superintendent of public instruction multiplied by the per mile reimbursement rates for the school year pursuant to the formulas adopted by the superintendent of public instruction. Allocations for transportation of students living within one radius mile shall be based on the number of enrolled students in grades kindergarten through five living within one radius mile of their assigned school multiplied by the per mile reimbursement rate for the school year multiplied by 1.29.

(4) The office of the superintendent of public instruction shall provide reimbursement funding to a school district only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid

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process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195.

(5) The superintendent of public instruction shall base depreciation payments for school district buses on the pre-sales tax five-year average of lowest bids in the appropriate category of bus. In the final year on the depreciation schedule, the depreciation payment shall be based on the lowest bid in the appropriate bus category for that school year.

(6) Funding levels in this section reflect reductions from the implementation of Substitute House Bill No. 1292 (authorizing waivers from the one hundred eighty-day school year requirement in order to allow four-day school weeks).

**Sec. 1405.** 2011 c 5 s 504 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL FOOD SERVICE PROGRAMS**

General Fund—State Appropriation (FY 2010) . . . . .	\$3,159,000
General Fund—State Appropriation (FY 2011) . . . . .	\$7,111,000
General Fund—Federal Appropriation . . . . .	<del>(\$448,588,000)</del>
	<u>\$505,188,000</u>
TOTAL APPROPRIATION . . . . .	<del>(\$458,858,000)</del>
	<u>\$515,458,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,000,000 of the general fund—state appropriation for fiscal year 2010 is provided for state matching money for federal child nutrition programs.

(2) \$100,000 of the general fund—state appropriation for fiscal year 2010 is provided for summer food programs for children in low-income areas.

(3) \$59,000 of the general fund—state appropriation for fiscal year 2010 is provided solely to reimburse school districts for school breakfasts served to students enrolled in the free or reduced price meal program pursuant to chapter 287, Laws of 2005 (requiring school breakfast programs in certain schools).

(4) \$7,111,000 of the general fund—state appropriation for fiscal year 2011 is provided solely for state matching money for federal child nutrition programs, and may support the meals for kids program through the following allowable uses:

(a) Elimination of breakfast copays for eligible public school students and lunch copays for eligible public school students in grades kindergarten through third grade who are eligible for reduced price lunch;

(b) Assistance to school districts and authorized public and private nonprofit organizations for supporting summer food service programs, and initiating new summer food service programs in low-income areas; and

(c) Reimbursements to school districts for school breakfasts served to students eligible for free and reduced price lunch, pursuant to chapter 287, Laws of 2005.

**Sec. 1406.** 2011 c 5 s 505 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL EDUCATION PROGRAMS**

General Fund—State Appropriation (FY 2010) . . . . .	\$632,136,000
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General Fund—State Appropriation (FY 2011) . . . . .	(\$626,099,000)
	<u>\$627,316,000</u>
General Fund—Federal Appropriation . . . . .	(\$664,601,000)
	<u>\$675,618,000</u>
Education Legacy Trust Account—State	
Appropriation . . . . .	\$756,000
TOTAL APPROPRIATION . . . . .	(\$1,923,592,000)
	<u>\$1,935,826,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 502 and 504 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(2)(a) The superintendent of public instruction shall ensure that:

(i) Special education students are basic education students first;

(ii) As a class, special education students are entitled to the full basic education allocation; and

(iii) Special education students are basic education students for the entire school day.

(b) The superintendent of public instruction shall continue to implement the full cost method of excess cost accounting, as designed by the committee and recommended by the superintendent, pursuant to section 501(1)(k), chapter 372, Laws of 2006.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4) The superintendent of public instruction shall distribute state funds to school districts based on two categories: (a) The first category includes (i) children birth through age two who are eligible for the optional program for special education eligible developmentally delayed infants and toddlers, and (ii) students eligible for the mandatory special education program and who are age three or four, or five and not yet enrolled in kindergarten; and (b) the second category includes students who are eligible for the mandatory special education program and who are age five and enrolled in kindergarten and students age six through 21.

(5)(a) For the 2009-10 and 2010-11 school years, the superintendent shall make allocations to each district based on the sum of:

(i) A district's annual average headcount enrollment of students ages birth through four and those five year olds not yet enrolled in kindergarten, as defined in subsection (4) of this section, multiplied by the district's average basic education allocation per full-time equivalent student, multiplied by 1.15; and

(ii) A district's annual average full-time equivalent basic education enrollment multiplied by the funded enrollment percent determined pursuant to

subsection (6)(b) of this section, multiplied by the district's average basic education allocation per full-time equivalent student multiplied by 0.9309.

(b) For purposes of this subsection, "average basic education allocation per full-time equivalent student" for a district shall be based on the staffing ratios required by RCW 28A.150.260 and shall not include enhancements, secondary vocational education, or small schools in the 2009-10 school year. In the 2010-11 school year, the per student allocation under this subsection (5)(b) shall include the same factors as in the 2009-10 school year, but shall also include the classified staff enhancements included in section 502(3)(b).

(6) The definitions in this subsection apply throughout this section.

(a) "Annual average full-time equivalent basic education enrollment" means the resident enrollment including students enrolled through choice (RCW 28A.225.225) and students from nonhigh districts (RCW 28A.225.210) and excluding students residing in another district enrolled as part of an interdistrict cooperative program (RCW 28A.225.250).

(b) "Enrollment percent" means the district's resident special education annual average enrollment, excluding the birth through age four enrollment and those five year olds not yet enrolled in kindergarten, as a percent of the district's annual average full-time equivalent basic education enrollment.

Each district's general fund—state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 12.7 percent.

(7) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with subsection (6)(b) of this section, and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(8) To the extent necessary, \$19,512,000 of the general fund—state appropriation and \$29,574,000 of the general fund—federal appropriation are provided for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided in subsection (5) of this section. If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in this subsection (8) in any fiscal year, the superintendent shall expend all available federal discretionary funds necessary to meet this need. Safety net funds shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

(a) The committee shall consider unmet needs for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas. In the determination of need, the committee shall also consider additional available revenues from federal sources. Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards. In the determination of need, the committee shall require that districts demonstrate that they are maximizing their eligibility for all state and federal revenues related to services for special education-eligible students. Awards associated with (b) and (c) of this subsection shall not exceed the total of a district's specific determination of need.



(b) The committee shall then consider the extraordinary high cost needs of one or more individual special education students. Differences in costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(c) Using criteria developed by the committee, the committee shall then consider extraordinary costs associated with communities that draw a larger number of families with children in need of special education services. The safety net awards to school districts shall be adjusted to reflect amounts awarded under (b) of this subsection.

(d) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(e) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(f) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent in accordance with chapter 318, Laws of 1999. The state safety net oversight committee shall ensure that safety net documentation and awards are based on current medicaid revenue amounts.

(g) Beginning with the 2010-11 school year award cycle, the office of the superintendent of public instruction shall make award determinations for state safety net funding in August of each school year. Determinations on school district eligibility for state safety net awards shall be based on analysis of actual expenditure data from the current school year.

(9) The superintendent of public instruction may adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. Prior to revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature.

(10) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) One staff from the office of superintendent of public instruction;

(b) Staff of the office of the state auditor who shall be nonvoting members of the committee; and

(c) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

(11) The office of the superintendent of public instruction shall review and streamline the application process to access safety net funds, provide technical assistance to school districts, and annually survey school districts regarding improvement to the process.

(12) A maximum of \$678,000 may be expended from the general fund—state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(13) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing

regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(14) A school district may carry over from one year to the next year up to 10 percent of the general fund—state funds allocated under this program; however, carryover funds shall be expended in the special education program.

(15) \$262,000 of the general fund—state appropriation for fiscal year 2010 and \$251,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for two additional full-time equivalent staff to support the work of the safety net committee and to provide training and support to districts applying for safety net awards.

(16) \$50,000 of the general fund—state appropriation for fiscal year 2010, \$50,000 of the general fund—state appropriation for fiscal 2011, and \$100,000 of the general fund—federal appropriation shall be expended to support a special education ombudsman program within the office of superintendent of public instruction.

Sec. 1407. 2010 1st sp.s. c 37 s 509 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR LOCAL EFFORT ASSISTANCE**

General Fund—State Appropriation (FY 2010) . . . . .	\$93,141,000
General Fund—State Appropriation (FY 2011) . . . . .	(\$286,911,000)
	<u>\$285,980,000</u>
General Fund—Federal Appropriation . . . . .	\$157,043,000
TOTAL APPROPRIATION . . . . .	(\$537,095,000)
	<u>\$536,164,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$157,043,000 of the general fund—federal appropriation for fiscal year 2010 is provided solely for American recovery and reinvestment act of 2009 (ARRA) fiscal stabilization funds to restore state reductions for local effort assistance payments.

(2) \$21,808,000 of the general fund—state appropriation for fiscal year 2011 is provided solely for implementation of Substitute House Bill No. 2893 (school levies). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

Sec. 1408. 2010 1st sp.s. c 37 s 510 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INSTITUTIONAL EDUCATION PROGRAMS**

General Fund—State Appropriation (FY 2010) . . . . .	\$18,059,000
General Fund—State Appropriation (FY 2011) . . . . .	(\$19,006,000)
	<u>\$20,063,000</u>
TOTAL APPROPRIATION . . . . .	(\$37,065,000)
	<u>\$38,122,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund—state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) \$228,000 of the general fund—state appropriation for fiscal year 2010 and ~~(\$228,000)~~ \$509,000 of the general fund—state appropriation for fiscal year 2011 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, and programs for juveniles under the juvenile rehabilitation administration.

(6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

Sec. 1409. 2011 c 5 s 507 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS**

General Fund—State Appropriation (FY 2010) . . . . .	\$9,189,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$9,162,000)</del>
	<u>\$9,137,000</u>
TOTAL APPROPRIATION . . . . .	<del>(\$18,351,000)</del>
	<u>\$18,326,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for school district programs for highly capable students shall be distributed at a maximum rate of \$401.08 per funded student for the 2009-10 school year and \$401.08 per funded student for the 2010-11 school year, exclusive of salary and benefit adjustments pursuant to section 504 of this act. For the 2009-10 and 2010-11 school years, the number of funded students shall be a maximum of 2.314 percent of each district's full-time equivalent basic education enrollment.

(3) \$90,000 of the fiscal year 2010 appropriation and \$81,000 of the fiscal year 2011 appropriation are provided for the Washington destination imagination network and future problem-solving programs.

(4) \$170,000 of the fiscal year 2010 appropriation and \$153,000 of the fiscal year 2011 appropriation are provided for the centrum program at Fort Worden state park.

Sec. 1410. 2011 c 5 s 508 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—  
EDUCATION REFORM PROGRAMS**

General Fund—State Appropriation (FY 2010) . . . . .	\$93,642,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$85,691,000)</del>
	<u>\$83,257,000</u>
General Fund—Federal Appropriation . . . . .	<del>(\$154,627,000)</del>
	<u>\$245,841,000</u>
Education Legacy Trust Account—State Appropriation . . . . .	<del>(\$98,981,000)</del>
	<u>\$98,610,000</u>
TOTAL APPROPRIATION . . . . .	<del>(\$432,941,000)</del>
	<u>\$521,350,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$35,804,000 of the general fund—state appropriation for fiscal year 2010, \$31,850,000 of the general fund—state appropriation for fiscal year 2011, \$1,350,000 of the education legacy trust account—state appropriation, and \$17,869,000 of the general fund—federal appropriation are provided solely for development and implementation of the Washington state assessment system, including: (i) Development and implementation of retake assessments for high school students who are not successful in one or more content areas; and (ii) development and implementation of alternative assessments or appeals procedures to implement the certificate of academic achievement. The superintendent of public instruction shall report quarterly on the progress on development and implementation of alternative assessments or appeals procedures. Within these amounts, the superintendent of public instruction shall contract for the early return of 10th grade student assessment results, on or around June 10th of each year.

(2) \$3,249,000 of the general fund—state appropriation for fiscal year 2010 and \$3,249,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for the design of the state assessment system and the implementation of end of course assessments for high school math.

(3) Within amounts provided in subsections (1) and (2) of this section, the superintendent of public instruction, in consultation with the state board of education, shall develop a statewide high school end-of-course assessment measuring student achievement of the state science standards in biology to be implemented statewide in the 2011-12 school year. By December 1, 2010, the superintendent of public instruction shall recommend whether additional end-of-course assessments in science should be developed and in which content areas. Any recommendation for additional assessments must include an

implementation timeline and the projected cost to develop and administer the assessments.

(4) \$1,014,000 of the education legacy trust account appropriation is provided solely for allocations to districts for salaries and benefits for the equivalent of two additional professional development days for fourth and fifth grade teachers during the 2008-2009 school year. The allocations shall be made based on the calculations of certificated instructional staff units for fourth and fifth grade provided in section 502 of this act and on the calculations of compensation provided in sections 503 and 504 of this act. Districts may use the funding to support additional days for professional development as well as job-embedded forms of professional development.

(5) \$3,241,000 of the education legacy trust fund appropriation is provided solely for allocations to districts for salaries and benefits for the equivalent of three additional professional development days for middle and high school math and science teachers during the 2008-2009 school year, as well as specialized training for one math and science teacher in each middle school and high school during the 2008-2009 school year. Districts may use the funding to support additional days for professional development as well as job-embedded forms of professional development.

(6) \$3,773,000 of the education legacy trust account—state appropriation is provided solely for a math and science instructional coaches program pursuant to chapter 396, Laws of 2007. Funding shall be used to provide grants to schools and districts to provide salaries, benefits, and professional development activities for up to twenty-five instructional coaches in middle and high school math and twenty-five instructional coaches in middle and high school science in each year of the biennium; and up to \$300,000 may be used by the office of the superintendent of public instruction to administer and coordinate the program.

(7) \$1,740,000 of the general fund—state appropriation for fiscal year 2010 ~~((and \$1,775,000 of the general fund—state appropriation for fiscal year 2011 are))~~ is provided solely to allow approved middle and junior high school career and technical education programs to receive enhanced vocational funding. The office of the superintendent of public instruction shall provide allocations to districts for middle and junior high school students in accordance with the funding formulas provided in section 502 of this act. If Second Substitute Senate Bill No. 5676 is enacted the allocations are formula-driven, otherwise the office of the superintendent shall consider the funding provided in this subsection as a fixed amount, and shall adjust funding to stay within the amounts provided in this subsection. Beginning in school year 2010-11, middle and junior high vocational programs will be funded out of general apportionment.

(8) \$139,000 of the general fund—state appropriation for fiscal year 2010 and \$93,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for (a) staff at the office of the superintendent of public instruction to coordinate and promote efforts to develop integrated math, science, technology, and engineering programs in schools and districts across the state; and (b) grants of \$2,500 to provide twenty middle and high school teachers each year professional development training for implementing integrated math, science, technology, and engineering program in their schools.

(9) \$1,473,000 of the general fund—state appropriation for fiscal year 2010 and \$197,000 of the general fund—state appropriation for fiscal year 2011 are

provided solely for the Washington state leadership and assistance for science education reform (LASER) regional partnership activities coordinated at the Pacific science center, including instructional material purchases, teacher and principal professional development, and school and community engagement events. Funding shall be distributed to the various LASER activities in a manner proportional to LASER program spending during the 2007-2009 biennium.

(10) (~~(\$88,981,000)~~) \$88,610,000 of the education legacy trust account—state appropriation is provided solely for grants for voluntary full-day kindergarten at the highest poverty schools, as provided in chapter 400, Laws of 2007. The office of the superintendent of public instruction shall provide allocations to districts for recipient schools in accordance with the funding formulas provided in section 502 of this act. Each kindergarten student who enrolls for the voluntary full-day program in a recipient school shall count as one-half of one full-time equivalent student for the purpose of making allocations under this subsection. Although the allocations are formula-driven, the office of the superintendent shall consider the funding provided in this subsection as a fixed amount, and shall limit the number of recipient schools so as to stay within the amounts appropriated each fiscal year in this subsection. The funding provided in this subsection is estimated to provide full-day kindergarten programs for 20 percent of kindergarten enrollment. Funding priority shall be given to schools with the highest poverty levels, as measured by prior year free and reduced priced lunch eligibility rates in each school. Additionally, as a condition of funding, school districts must agree to provide the full-day program to the children of parents who request it in each eligible school. For the purposes of calculating a school district levy base, funding provided in this subsection shall be considered a state block grant program under RCW 84.52.0531.

(a) Of the amounts provided in this subsection, a maximum of \$272,000 may be used for administrative support of the full-day kindergarten program within the office of the superintendent of public instruction.

(b) Student enrollment pursuant to this program shall not be included in the determination of a school district's overall K-12 FTE for the allocation of student achievement programs and other funding formulas unless specifically stated.

(11) \$700,000 of the general fund—state appropriation for fiscal year 2010 and \$450,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for the development of a leadership academy for school principals and administrators. The superintendent of public instruction shall contract with an independent organization to design, field test, and implement a state-of-the-art education leadership academy that will be accessible throughout the state. Initial development of the content of the academy activities shall be supported by private funds. Semiannually the independent organization shall report on amounts committed by foundations and others to support the development and implementation of this program. Leadership academy partners, with varying roles, shall include the state level organizations for school administrators and principals, the superintendent of public instruction, the professional educator standards board, and others as the independent organization shall identify.

(12) \$105,754,000 of the general fund—federal appropriation is provided for preparing, training, and recruiting high quality teachers and principals under Title II of the no child left behind act.

(13) \$1,960,000 of the general fund—state appropriation for fiscal year 2010 and \$761,000 of the general fund—state appropriation for fiscal year 2011 are provided solely to the office of the superintendent of public instruction for focused assistance. The office of the superintendent of public instruction shall conduct educational audits of low-performing schools and enter into performance agreements between school districts and the office to implement the recommendations of the audit and the community. Funding in this subsection shall be used for focused assistance programs for individual schools or school districts. The office of the superintendent of public instruction shall report to the fiscal committees of the legislature by September 1, 2011, providing an accounting of the uses of focused assistance funds during the 2009-11 fiscal biennium, including a list of schools served and the types of services provided.

(14) \$1,667,000 of the general fund—state appropriation for fiscal year 2010 is provided solely to eliminate the lunch co-pay for students in grades kindergarten through third grade that are eligible for reduced price lunch.

(15) \$5,285,000 of the general fund—state appropriation for fiscal year 2010 is provided solely for: (a) The meals for kids program under RCW 28A.235.145 through 28A.235.155; (b) to eliminate the breakfast co-pay for students eligible for reduced price lunch; and (c) for additional assistance for school districts initiating a summer food service program.

(16) \$1,003,000 of the general fund—state appropriation for fiscal year 2010 and \$528,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for the Washington reading corps. The superintendent shall allocate reading corps members to low-performing schools and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs. Grants provided under this section may be used by school districts for expenditures from September 2009 through August 31, 2011.

(17) \$3,269,000 of the general fund—state appropriation for fiscal year 2010 and \$3,594,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to RCW 70.190.040.

(18) \$1,861,000 of the general fund—state appropriation for fiscal year 2010 and \$1,836,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for improving technology infrastructure, monitoring and reporting on school district technology development, promoting standards for school district technology, promoting statewide coordination and planning for technology development, and providing regional educational technology support centers, including state support activities, under chapter 28A.650 RCW.

(19) \$225,000 of the general fund—state appropriation for fiscal year 2010 and \$150,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for the operation of the center for the improvement of student learning pursuant to RCW 28A.300.130.

(20) \$246,000 of the education legacy trust account—state appropriation is provided solely for costs associated with the office of the superintendent of public instruction's statewide director of technology position.

(21)(a) \$28,715,000 of the general fund—state appropriation for fiscal year 2010 and (~~(\$36,168,000)~~) \$35,509,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for the following bonuses for teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching in a Washington public school, subject to the following conditions and limitations:

(i) For national board certified teachers, a bonus of \$5,000 per teacher beginning in the 2007-08 school year and adjusted for inflation in each school year thereafter in which Initiative 732 cost of living adjustments are provided;

(ii) An additional \$5,000 annual bonus shall be paid to national board certified teachers who teach in either: (A) High schools where at least 50 percent of student headcount enrollment is eligible for federal free or reduced price lunch, (B) middle schools where at least 60 percent of student headcount enrollment is eligible for federal free or reduced price lunch, or (C) elementary schools where at least 70 percent of student headcount enrollment is eligible for federal free or reduced price lunch;

(iii) The superintendent of public instruction shall adopt rules to ensure that national board certified teachers meet the qualifications for bonuses under (a)(ii) of this subsection for less than one full school year receive bonuses in a prorated manner; (~~and~~)

(iv) During the 2009-10 and 2010-11 school years, and within the available state and federal appropriations, certificated instructional staff who have met the eligibility requirements and have applied for certification from the national board for professional teaching standards may receive a conditional two thousand dollars or the amount set by the office of the superintendent of public instruction to contribute toward the current assessment fee, not including the initial up-front candidacy payment. The fee shall be an advance on the first annual bonus under RCW 28A.405.415. The assessment fee for national certification is provided in addition to compensation received under a district's salary schedule adopted in accordance with RCW 28A.405.200 and shall not be included in calculations of a district's average salary and associated salary limitation under RCW 28A.400.200. Recipients who fail to receive certification after three years are required to repay the assessment fee, not including the initial up-front candidacy payment, as set by the national board for professional teaching standards and administered by the office of the superintendent of public instruction. The office of the superintendent of public instruction shall adopt rules to define the terms for initial grant of the assessment fee and repayment, including applicable fees; and

(v) To the extent necessary, the superintendent may use revenues from the repayment of conditional loan scholarships to ensure payment of all national board bonus payments required by this section in each school year.



(b) Included in the amounts provided in this subsection are amounts for mandatory fringe benefits.

(22) \$2,475,000 of the general fund—state appropriation for fiscal year 2010 and \$456,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for secondary career and technical education grants pursuant to chapter 170, Laws of 2008. This funding may additionally be used to support FIRST Robotics programs. In fiscal year 2011, if equally matched by private donations, \$300,000 of the appropriation shall be used to support FIRST Robotics programs, including FIRST Robotics professional development.

(23) \$75,000 of the general fund—state appropriation for fiscal year 2011 is provided solely for the implementation of House Bill No. 2621 (K-12 school resource programs). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

(24) \$300,000 of the general fund—state appropriation for fiscal year 2010 is provided solely for the local farms-healthy kids program as described in chapter 215, Laws of 2008. The program is suspended in the 2011 fiscal year, and not eliminated.

(25) \$2,348,000 of the general fund—state appropriation for fiscal year 2010 and \$1,000,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for a beginning educator support program. School districts and/or regional consortia may apply for grant funding beginning in the 2009-10 school year. The superintendent shall implement this program in 5 to 15 school districts and/or regional consortia. The program provided by a district and/or regional consortia shall include: A paid orientation; assignment of a qualified mentor; development of a professional growth plan for each beginning teacher aligned with professional certification; release time for mentors and new teachers to work together, and teacher observation time with accomplished peers. \$250,000 may be used to provide state-wide professional development opportunities for mentors and beginning educators. The superintendent of public instruction shall adopt rules to establish and operate a research-based beginning educator support program no later than August 31, 2009. OSPI must evaluate the program's progress and may contract for this work. A report to the legislature about the beginning educator support program is due November 1, 2010.

(26) \$390,000 of the education legacy trust account—state appropriation is provided solely for the development and implementation of diagnostic assessments, consistent with the recommendations of the Washington assessment of student learning work group.

(27) Funding within this section is provided for implementation of Engrossed Substitute Senate Bill No. 5414 (statewide assessments and curricula).

(28) \$530,000 of the general fund—state appropriation for fiscal year 2010 and \$265,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(29) Funding for the community learning center program, established in RCW 28A.215.060, and providing grant funding for the 21st century after-school program, is suspended and not eliminated.

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(30) \$2,357,000 of the general fund—state appropriation for fiscal year 2011 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 6696 (education reform). Of the amount provided, \$142,000 is provided to the professional educators' standards board and \$120,000 is provided to the system of the educational service districts, to fulfill their respective duties under the bill.

**Sec. 1411.** 2010 1st sp.s. c 37 s 514 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR  
TRANSITIONAL BILINGUAL PROGRAMS**

General Fund—State Appropriation (FY 2010) . . . . .	\$76,419,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$77,672,000)</del>
	<u>\$79,912,000</u>
General Fund—Federal Appropriation . . . . .	\$65,263,000
TOTAL APPROPRIATION . . . . .	<del>(\$219,354,000)</del>
	<u>\$221,594,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.
- (2) The superintendent shall distribute a maximum of \$901.46 per eligible bilingual student in the 2009-10 school year and \$901.46 in the 2010-11 school year, exclusive of salary and benefit adjustments provided in section 504 of this act.
- (3) The superintendent may withhold up to 1.5 percent of the school year allocations to school districts in subsection (2) of this section, and adjust the per eligible pupil rates in subsection (2) of this section accordingly, solely for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2).
- (4) \$70,000 of the amounts appropriated in this section are provided solely to track current and former transitional bilingual program students.
- (5) The general fund—federal appropriation in this section is provided for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

**Sec. 1412.** 2010 1st sp.s. c 37 s 515 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR  
THE LEARNING ASSISTANCE PROGRAM**

General Fund—State Appropriation (FY 2010) . . . . .	\$103,865,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$110,312,000)</del>
	<u>\$114,240,000</u>
General Fund—Federal Appropriation . . . . .	<del>(\$53,925,000)</del>
	<u>\$580,425,000</u>
Education Legacy Trust Account—State Appropriation . . . . .	\$47,980,000
TOTAL APPROPRIATION . . . . .	<del>(\$816,082,000)</del>
	<u>\$846,510,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund—state appropriations in this section are subject to the following conditions and limitations:

(a) The appropriations include such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) Funding for school district learning assistance programs shall be allocated at maximum rates of \$281.71 per funded student for the 2009-10 school year and \$283.00 per funded student for the 2010-11 school year exclusive of salary and benefit adjustments provided under section 504 of this act.

(c) A school district's funded students for the learning assistance program shall be the sum of the following as appropriate:

(i) The district's full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch in the prior school year; and

(ii) If, in the prior school year, the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch exceeded forty percent, subtract forty percent from the district's percentage and multiply the result by the district's K-12 annual average full-time equivalent enrollment for the prior school year.

(d) In addition to the amounts allocated in (b) and (c) of this subsection, an additional amount shall be allocated to school districts with high concentrations of poverty and English language learner students, subject to the following rules and conditions:

(i) To qualify for additional funding under this subsection, a district's October headcount enrollment in grades kindergarten through grade twelve must have at least twenty percent enrolled in the transitional bilingual instruction program based on an average of the program headcount taken in October and May of the prior school year; and must also have at least forty percent eligible for free or reduced price lunch based on October headcount enrollment in grades kindergarten through twelve in the prior school year.

(ii) Districts meeting the specifications in (d)(i) of this subsection shall receive additional funded students for the learning assistance program at the rates specified in subsection (1)(b) of this section. The number of additional funded student units shall be calculated by subtracting twenty percent from the district's percent transitional bilingual instruction program enrollment as defined in (d)(i) of this subsection, and the resulting percent shall be multiplied by the district's kindergarten through twelve annual average full-time equivalent enrollment for the prior school year.

(2) Allocations made pursuant to subsection (1) of this section shall be adjusted to reflect ineligible applications identified through the annual income verification process required by the national school lunch program, as recommended in the report of the state auditor on the learning assistance program dated February, 2010.

(3) The general fund—federal appropriation in this section is provided for Title I Part A allocations of the no child left behind act of 2001.

(4) A school district may carry over from one year to the next up to 10 percent of the general fund—state or education legacy trust funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(5) School districts are encouraged to coordinate the use of these funds with other federal, state, and local sources to serve students who are below grade level and to make efficient use of resources in meeting the needs of students with the greatest academic deficits.

(6) Within amounts appropriated in this section, funding is provided for the implementation of extended learning programs required in chapter 328, Laws of 2008.

**Sec. 1413.** 2010 1st sp.s. c 37 s 516 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR STUDENT ACHIEVEMENT PROGRAMS**

General Fund—State Appropriation (FY 2010) . . . . .	\$19,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$25,730,000)</del>
	<u>\$25,417,000</u>
General Fund—Federal Appropriation . . . . .	\$200,295,000
TOTAL APPROPRIATION . . . . .	<del>(\$226,044,000)</del>
	<u>\$225,731,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for school district student achievement programs shall be allocated at a maximum rate of \$131.16 per FTE student for the 2009-10 school year and \$0 per FTE student for the 2010-11 school year. For the purposes of this section, FTE student refers to the annual average full-time equivalent enrollment of the school district in grades kindergarten through twelve for the prior school year, as reported to the office of the superintendent of public instruction by August 31st of the previous school year.

(2) The appropriation is allocated for the following uses as specified in RCW 28A.505.210:

(a) To reduce class size by hiring certificated elementary classroom teachers in grades K-4 and paying nonemployee-related costs associated with those new teachers;

(b) To make selected reductions in class size in grades 5-12, such as small high school writing classes;

(c) To provide extended learning opportunities to improve student academic achievement in grades K-12, including, but not limited to, extended school year, extended school day, before-and-after-school programs, special tutoring programs, weekend school programs, summer school, and all-day kindergarten;

(d) To provide additional professional development for educators including additional paid time for curriculum and lesson redesign and alignment, training to ensure that instruction is aligned with state standards and student needs, reimbursement for higher education costs related to enhancing teaching skills and knowledge, and mentoring programs to match teachers with skilled, master teachers. The funding shall not be used for salary increases or additional

compensation for existing teaching duties, but may be used for extended year and extended day teaching contracts;

(e) To provide early assistance for children who need prekindergarten support in order to be successful in school; or

(f) To provide improvements or additions to school building facilities which are directly related to the class size reductions and extended learning opportunities under (a) through (c) of this subsection (2).

(3) The superintendent of public instruction shall distribute the school year allocation according to the monthly apportionment schedule defined in RCW 28A.510.250.

(4) \$200,295,000 of the general fund—federal appropriation for fiscal year 2010 is provided solely for American recovery and reinvestment act of 2009 (ARRA) fiscal stabilization funds to restore state reductions for the student achievement program.

**Sec. 1414.** 2010 1st sp.s. c 37 s 517 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

(1) Appropriations made in this act to the office of the superintendent of public instruction shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act, except as expressly provided in subsection (2) of this section.

(2) The appropriations to the office of the superintendent of public instruction in this act shall be expended for the programs and amounts specified in this act. However, after May 1, ((2010)) 2011, unless specifically prohibited by this act and after approval by the director of financial management, the superintendent of public instruction may transfer state general fund appropriations for fiscal year ((2010)) 2011 among the following programs to meet the apportionment schedule for a specified formula in another of these programs: General apportionment; employee compensation adjustments; pupil transportation; special education programs; institutional education programs; transitional bilingual programs; and student achievement and learning assistance programs.

(3) The director of financial management shall notify the appropriate legislative fiscal committees in writing prior to approving any allotment modifications or transfers under this section.

**PART XV  
HIGHER EDUCATION**

**Sec. 1501.** 2011 c 5 s 607 (uncodified) is amended to read as follows:

**FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

General Fund—State Appropriation (FY 2010) . . . . .	\$631,804,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$603,296,000)</del>
	<u>\$603,878,000</u>
General Fund—Federal Appropriation . . . . .	\$17,171,000
Education Legacy Trust Account—State Appropriation . . . . .	\$95,035,000
Opportunity Express Account—State Appropriation . . . . .	\$18,556,000

TOTAL APPROPRIATION .....	(\$1,365,862,000)
	<u>\$1,366,444,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$28,761,000 of the general fund—state appropriation for fiscal year 2010, \$28,761,000 of the general fund—state appropriation for fiscal year 2011, and \$17,556,000 of the opportunity express account—state appropriation are provided solely as special funds for training and related support services, including financial aid, as specified in RCW 28C.04.390. Funding is provided to support at least 6,200 full-time equivalent students in fiscal year 2010 and at least 9,984 full-time equivalent students in fiscal year 2011.

(2) \$2,725,000 of the general fund—state appropriation for fiscal year 2010 and \$2,725,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for administration and customized training contracts through the job skills program. The state board shall make an annual report by January 1st of each year to the governor and to the appropriate policy and fiscal committees of the legislature regarding implementation of this section, listing the scope of grant awards, the distribution of funds by educational sector and region of the state, and the results of the partnerships supported by these funds.

(3) Of the amounts appropriated in this section, \$3,500,000 is provided solely for the student achievement initiative.

(4) When implementing the appropriations in this section, the state board and the trustees of the individual community and technical colleges shall minimize impact on academic programs, maximize reductions in administration, and shall at least maintain, and endeavor to increase, enrollment opportunities and degree and certificate production in high employer-demand fields of study at their academic year 2008-09 levels.

(5) Within the board's 2009-11 biennial budget allocation to Bellevue College, and pursuant to RCW 28B.50.810, the college may implement, on a tuition and fee basis, an additional applied baccalaureate degree in interior design. This program is intended to provide students with additional opportunities to earn baccalaureate degrees and to respond to emerging job and economic growth opportunities. The program reviews and approval decisions required by RCW 28B.50.810 (3) and (4) shall be completed by July 31, 2009, so that the degree may be offered during the 2009-10 academic year.

(6) In accordance with the recommendations of the higher education coordinating board's 2008 *Kitsap region higher education center study*, the state board shall facilitate development of university centers by allocating thirty 2-year and 4-year partnership full-time enrollment equivalencies to Olympic College and ten 2-year and 4-year partnership full-time enrollment equivalencies to Peninsula College. The colleges shall use the allocations to establish a partnership with a baccalaureate university or universities for delivery of upper division degree programs in the Kitsap region. The Olympic and Peninsula Community College districts shall additionally work together to ensure coordinated development of these and other future baccalaureate opportunities through coordinated needs assessment, planning, and scheduling.

(7) By September 1, 2009, the state board for community and technical colleges, the higher education coordinating board, and the office of financial

management shall review and to the extent necessary revise current 2009-11 performance measures and targets based on the level of state, tuition, and other resources appropriated or authorized in this act and in the omnibus 2009-11 omnibus capital budget act. The boards and the office of financial management shall additionally develop new performance targets for the 2011-13 and the 2013-15 biennia that will guide and measure the community and technical college system's contributions to achievement of the state's higher education master plan goals.

(8) \$2,250,000 of the general fund—state appropriation for fiscal year 2010 and \$2,250,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for the hospital employee education and training program under which labor, management, and college partnerships develop or expand and evaluate training programs for incumbent hospital workers that lead to careers in nursing and other high-demand health care occupations. The board shall report student progress, outcomes, and costs to the relevant fiscal and policy committees of the legislature by November 2009 and November 2010.

(9) Community and technical colleges are not required to send mass mailings of course catalogs to residents of their districts. Community and technical colleges shall consider lower cost alternatives, such as mailing postcards or brochures that direct individuals to online information and other ways of acquiring print catalogs.

(10) \$1,112,000 of the general fund—state appropriation for fiscal year 2010 and \$1,113,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for the state board to enhance online distance learning and open courseware technology. Funds shall be used to support open courseware, open textbooks, open licenses to increase access, affordability and quality of courses in higher education. The state board for community and technical colleges shall select the most appropriate courses to support open courseware based solely upon criteria of maximizing the value of instruction and reducing costs of textbooks and other instructional materials for the greatest number of students in higher education, regardless of the type of institution those students attend.

(11) \$158,000 of the general fund—state appropriation for fiscal year 2011 is provided solely to implement House Bill No. 2694 (B.S. in nursing/university center). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

(12)(a) The labor education and research center is transferred from The Evergreen State College to south Seattle community college and shall begin operations on July 1, 2010.

(b) At least \$164,000 of the general fund—state appropriation for fiscal year 2011 shall be expended on the labor education and research center to provide outreach programs and direct educational and research services to labor unions and worker-centered organizations.

(13) \$1,000,000 of the opportunity express account—state appropriation is provided solely for the opportunity grant program as specified in RCW 28B.50.271.

(14) \$1,750,000 of the general fund—state appropriation for fiscal year 2011 is provided solely for the state board for community and technical colleges to contract with the aerospace training and research center on Paine field in

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Everett, Washington to support industry-identified training in the aerospace sector.

(15) Sufficient amounts are provided in this section to implement the food stamp employment and training program under Second Substitute House Bill No. 2782 (security lifeline act).

(16) Appropriations in section 609 of this act reflect reductions to the state need grant. The state board for community and technical colleges shall use locally held funds to provide a commensurate amount of aid to eligible students who would have received state need grant payments through the appropriations in section 609 of this act.

By September 1, 2011, the state board for community and technical colleges shall report to the appropriate legislative fiscal and policy committees regarding the implementation of this section. The report shall provide detail on the number of students provided aid under this subsection and the amount of aid provided to each student.

**Sec. 1502.** 2011 c 5 s 608 (uncodified) is amended to read as follows:

**FOR THE HIGHER EDUCATION COORDINATING BOARD—POLICY COORDINATION AND ADMINISTRATION**

General Fund—State Appropriation (FY 2010) . . . . .	\$6,402,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$5,183,000)</del>
	<u>\$5,339,000</u>
General Fund—Federal Appropriation . . . . .	\$4,332,000
TOTAL APPROPRIATION . . . . .	<del>(\$15,917,000)</del>
	<u>\$16,073,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Within the funds appropriated in this section, the higher education coordinating board shall complete a system design planning project that defines how the current higher education delivery system can be shaped and expanded over the next ten years to best meet the needs of Washington citizens and businesses for high quality and accessible post-secondary education. The board shall propose policies and specific, fiscally feasible implementation recommendations to accomplish the goals established in the *2008 strategic master plan for higher education*. The project shall specifically address the roles, missions, and instructional delivery systems both of the existing and of proposed new components of the higher education system; the extent to which specific academic programs should be expanded, consolidated, or discontinued and how that would be accomplished; the utilization of innovative instructional delivery systems and pedagogies to reach both traditional and nontraditional students; and opportunities to consolidate institutional administrative functions. The study recommendations shall also address the proposed location, role, mission, academic program, and governance of any recommended new campus, institution, or university center. During the planning process, the board shall inform and actively involve the chairs from the senate and house of representatives committees on higher education, or their designees. The board shall report the findings and recommendations of this system design planning project to the governor and the appropriate committees of the legislature by December 1, 2009.



(2) \$146,000 of the general fund—state appropriation for fiscal year 2010 and \$65,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for the higher education coordinating board to administer Engrossed Second Substitute House Bill No. 2021 (revitalizing student financial aid). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(3) \$167,000 of the general fund—state appropriation for fiscal year 2010 and \$67,000 of the general fund—state appropriation for fiscal year 2011 are provided solely to implement Engrossed Second Substitute House Bill No. 1946 (regarding higher education online technology). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(4) \$350,000 of the general fund—state appropriation for fiscal year 2010 and \$200,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for the higher education coordinating board to contract with the Pacific Northwest university of health sciences to conduct training and education of health care professionals to promote osteopathic physician services in rural and underserved areas of the state.

**Sec. 1503.** 2011 c 5 s 609 (uncodified) is amended to read as follows:

**FOR THE HIGHER EDUCATION COORDINATING BOARD—  
FINANCIAL AID AND GRANT PROGRAMS**

General Fund—State Appropriation (FY 2010) . . . . .	\$188,332,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$96,833,000)</del>
	<u>\$182,683,000</u>
General Fund—Federal Appropriation . . . . .	\$13,129,000
Education Legacy Trust Account—State Appropriation . . . . .	<del>(\$116,060,000)</del>
	<u>\$30,210,000</u>
Opportunity Pathways Account—State Appropriation . . . . .	\$73,500,000
TOTAL APPROPRIATION . . . . .	\$487,854,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$178,726,000 of the general fund—state appropriation for fiscal year 2010, \$95,187,000 of the general fund—state appropriation for fiscal year 2011, \$109,188,000 of the education legacy trust account appropriation, \$73,500,000 of the opportunity pathways appropriation, and \$2,545,000 of the general fund—federal appropriation are provided solely for student financial aid payments under the state need grant; the state work study program including up to a four percent administrative allowance; the Washington scholars program; and the Washington award for vocational excellence. State need grant and the Washington award for vocational excellence shall be adjusted to offset the cost of the resident undergraduate tuition increases, limited to those tuition increases authorized under this act. The Washington scholars program shall provide awards sufficient to offset ninety percent of the total tuition and fee award.

(2)(a) Within the funds appropriated in this section, eligibility for the state need grant shall include students with family incomes at or below 70 percent of the state median family income (MFI), adjusted for family size. Awards for all students shall be adjusted by the estimated amount by which Pell grant increases exceed projected increases in the noninstructional costs of attendance. Awards

for students with incomes between 51 and 70 percent of the state median shall be prorated at the following percentages of the award amount granted to those with incomes below 51 percent of the MFI: 70 percent for students with family incomes between 51 and 55 percent MFI; 65 percent for students with family incomes between 56 and 60 percent MFI; 60 percent for students with family incomes between 61 and 65 percent MFI; and 50 percent for students with family incomes between 66 and 70 percent MFI.

(b) Grant awards for students at private four-year colleges shall be set at the same level as the student would receive if attending one of the public research universities.

(3) To the maximum extent practicable, the board shall provide state work study subsidies only to resident students during the 2010-11 academic year. Additionally, in order to provide work opportunities to as many resident students as possible, the board is encouraged to increase the proportion of student wages that is to be paid by both proprietary and nonprofit, public, and private employers.

(4) \$3,872,000 of the education legacy trust account—state appropriation is provided solely for the passport to college scholarship program pursuant to chapter 28B.117 RCW. The higher education coordinating board shall contract with a college scholarship organization with expertise in managing scholarships for low-income, high-potential students and foster care children and young adults to administer the program. Of the amount in this subsection, \$39,000 is provided solely for the higher education coordinating board for administration of the contract and the remaining shall be contracted out to the organization for the following purposes:

(a) \$384,000 is provided solely for program administration, and

(b) \$3,449,000 is provided solely for student financial aid for up to 151 students and to fund student support services. Funds are provided for student scholarships, provider training, and for incentive payments to the colleges they attend for individualized student support services which may include, but are not limited to, college and career advising, counseling, tutoring, costs incurred for students while school is not in session, personal expenses, health insurance, and emergency services.

(5) \$1,250,000 of the general fund—state appropriation for fiscal year 2010 is provided solely for the health professional scholarship and loan program. The funds provided in this subsection shall be: (a) Prioritized for health care deliver sites demonstrating a commitment to serving the uninsured; and (b) allocated between loan repayments and scholarships proportional to current program allocations.

(6) For fiscal year 2010 and fiscal year 2011, the board shall defer loan or conditional scholarship repayments to the future teachers conditional scholarship and loan repayment program for up to one year for each participant if the participant has shown evidence of efforts to find a teaching job but has been unable to secure a teaching job per the requirements of the program.

(7) \$246,000 of the general fund—state appropriation for fiscal year 2010 and \$246,000 of the general fund—state appropriation for fiscal year 2011 are for community scholarship matching grants and its administration. To be eligible for the matching grant, nonprofit groups organized under section 501(c)(3) of the federal internal revenue code must demonstrate they have raised

at least \$2,000 in new moneys for college scholarships after the effective date of this section. Groups may receive no more than one \$2,000 matching grant per year and preference shall be given to groups affiliated with scholarship America. Up to a total of \$46,000 per year of the amount appropriated in this section may be awarded to a nonprofit community organization to administer scholarship matching grants, with preference given to an organization affiliated with scholarship America.

(8) \$500,000 of the general fund—state appropriation for fiscal year 2010 and \$500,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for state need grants provided to students enrolled in three to five credit-bearing quarter credits, or the equivalent semester credits. Total state expenditures on this program shall not exceed the amounts provided in this subsection.

(9) \$2,500,000 of the education legacy trust account—state appropriation is provided solely for the gaining early awareness and readiness for undergraduate programs project.

(10) \$75,000 of the general fund—state appropriation for fiscal year 2010 is provided solely for higher education student child care matching grants under chapter 28B.135 RCW.

(11) \$200,000 of the general fund—state appropriation for fiscal year 2011 is provided solely for continuation of the leadership 1000 scholarship sponsorship and matching program.

(12) In 2010 and 2011, the board shall continue to designate Washington scholars and scholar-alternates and to recognize them at award ceremonies as provided in RCW 28A.600.150, but state funding is provided for award of only one scholarship per legislative district during the 2010-11 academic year. After the 2010-11 academic year, and as provided in RCW 28B.76.660, the board may distribute grants to these eligible students to the extent that funds are appropriated for this purpose.

(13) Fiscal year 2011 appropriations in this section reflect general fund-state reductions to the state need grant. In implementing these reductions, the board shall reduce state need grant payments to each of the following institutions in the following amounts:

University of Washington . . . . .	\$5,658,000
Washington State University. . . . .	\$3,718,000
Eastern Washington University. . . . .	\$765,000
Central Washington University. . . . .	\$705,000
The Evergreen State College. . . . .	\$386,000
Western Washington University . . . . .	\$1,010,000
State Board for Community and Technical Colleges . . . . .	\$13,143,000

If any of these institutions has received state need grant payments in excess of the amount to which it is entitled after application of the reductions in this section, that institution shall remit to the board the amount of the overpayment.

**Sec. 1504.** 2010 1st sp.s. c 37 s 612 (uncodified) is amended to read as follows:

**FOR THE WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD**

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General Fund—State Appropriation (FY 2010) . . . . .	\$1,465,000
General Fund—State Appropriation (FY 2011) . . . . .	(\$1,444,000)
	<u>\$1,358,000</u>
General Fund—Federal Appropriation . . . . .	(\$54,020,000)
	<u>\$54,022,000</u>
<b>TOTAL APPROPRIATION . . . . .</b>	<b>(\$56,929,000)</b>
	<u><b>\$56,845,000</b></u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$60,000 of the general fund—state appropriation for fiscal year 2010 and \$60,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for implementation of Engrossed Second Substitute House Bill No. 2227 (evergreen jobs act). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(2) In 2010 and 2011, the board shall continue to designate recipients of the Washington award for vocational excellence and to recognize them at award ceremonies as provided in RCW 28C.04.535, but state funding is provided for award of only one scholarship per legislative district during the 2010-11 academic year. After the 2010-11 academic year, and as provided in RCW 28B.76.670, the board may distribute grants to these eligible students to the extent that funds are appropriated for this purpose.

**Sec. 1505.** 2011 c 5 s 612 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF EARLY LEARNING**

General Fund—State Appropriation (FY 2010) . . . . .	\$60,400,000
General Fund—State Appropriation (FY 2011) . . . . .	(\$19,335,000)
	<u>\$19,302,000</u>
General Fund—Federal Appropriation . . . . .	\$266,004,000
Opportunity Pathways Account—State Appropriation . . . . .	\$40,000,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>(\$385,739,000)</b>
	<u><b>\$385,706,000</b></u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$54,878,000 of the general fund—state appropriation for fiscal year 2010 and \$14,405,000 of the general fund—state appropriation for fiscal year 2011, and \$40,000,000 of the opportunity pathways account appropriation are provided solely for early childhood education and assistance program services. This appropriation temporarily reduces the number of slots for the 2009-11 fiscal biennium for the early childhood education and assistance program. The department shall reduce slots where providers serve both federal headstart and early childhood education and assistance program children, to the greatest extent possible, in order to achieve no reduction of slots across the state. The amounts in this subsection also reflect reductions to the administrative expenditures for the early childhood education and assistance program. The department shall reduce administrative expenditures, to the greatest extent possible, prior to reducing early childhood education and assistance program slots. Of these amounts, \$10,284,000 is a portion of the biennial amount of state matching dollars required to receive federal child care and development fund grant dollars.

(2) \$1,000,000 of the general fund—federal appropriation is provided to the department to contract with Thrive by Five, Washington for a pilot project for a quality rating and improvement system to provide parents with information they need to choose quality child care and education programs and to improve the quality of early care and education programs. The department in collaboration with Thrive by Five shall operate the pilot projects in King, Yakima, Clark, Spokane, and Kitsap counties. The department shall use child care development fund quality money for this purpose.

(3) \$425,000 of the general fund—state appropriation for fiscal year 2010, \$213,000 of the general fund—state appropriation for fiscal year 2011, and \$850,000 of the general fund—federal appropriation are provided solely for child care resource and referral network services. The general fund—federal funding represents moneys from the American recovery and reinvestment act of 2009 (child care development block grant).

(4) \$750,000 of the general fund—state appropriation for fiscal year 2010 and \$1,500,000 of the general fund—federal appropriation are provided solely for the career and wage ladder program created by chapter 507, Laws of 2005. The general fund—federal funding represents moneys from the American recovery and reinvestment act of 2009 (child care development block grant).

(5) \$50,000 of the general fund—state appropriation for fiscal year 2010 and \$50,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for the department to work with stakeholders and the office of the superintendent of public instruction to identify and test a kindergarten assessment process and tools in geographically diverse school districts. School districts may participate in testing the kindergarten assessment process on a voluntary basis. The department shall report to the legislature on the kindergarten assessment process not later than January 15, 2011. Expenditure of amounts provided in this subsection is contingent on receipt of an equal match from private sources. As matching funds are made available, the department may expend the amounts provided in this subsection.

(6) \$1,600,000 of the general fund—federal appropriation is provided solely for the department to fund programs to improve the quality of infant and toddler child care through training, technical assistance, and child care consultation.

(7) \$200,000 of the general fund—state appropriation for fiscal year 2010 and \$200,000 of the general fund—state appropriation for fiscal year 2011 are provided solely to develop and provide culturally relevant supports for parents, family, and other caregivers.

(8) The legislature notes that the department of early learning is developing a plan for improving child care licensing and is consulting, as practicable, with parents, licensed child care providers, and stakeholders from the child care community. The plan shall outline the processes and specify the resources necessary for improvements such as continuing licenses, child care licensing technology, and weighted child care regulations, including development of risk-based decision making models and inclusive, evidence-based rule making. The department shall submit to the appropriate committees of the legislature a plan by January 15, 2011.

(9) The department is the lead agency for and recipient of the federal child care and development fund grant. Amounts within this grant shall be used to fund child care licensing, quality initiatives, agency administration, and other

costs associated with child care subsidies. The department shall transfer a portion of this grant to the department of social and health services to partially fund the child care subsidies paid by the department of social and health services on behalf of the department of early learning.

(10) The department shall use child care development fund money to satisfy the federal audit requirement of the improper payments act (IPIA) of 2002. In accordance with the IPIA's rules, the money spent on the audits will not count against the five percent state limit on administrative expenditures.

(11) Within available amounts, the department in consultation with the office of financial management and the department of social and health services shall report quarterly enrollments and active caseload for the working connections child care program to the legislative fiscal committees. The report shall also identify the number of cases participating in both temporary assistance for needy families and working connections child care.

(12) The appropriations in this section reflect reductions in the appropriations for the department's administrative expenses. It is the intent of the legislature that these reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or program.

(13) \$500,000 of the general fund—state appropriation for fiscal year 2011 is provided solely for the department to contract with the private-public partnership established in chapter 43.215 RCW for home visitation programs. Of this amount, \$200,000 of the general fund—state appropriation for fiscal year 2011 is provided solely for expenditure into the home visiting services account created in Part IX of this act to be used for contracts for home visitation with the private-public partnership.

(14) In accordance to RCW 43.215.255(2) and 43.135.055, the department is authorized to increase child care center licensure fees by fifty-two dollars for the first twelve children and an additional four dollars per additional child in fiscal year 2011 for costs to the department for the licensure activity, including costs of necessary inspection.

(15) In accordance with RCW 43.135.055, the department of early learning is authorized to adopt and increase the fees set forth in and previously authorized in section 3, chapter 231, Laws of 2010.

(16) As of January 31, 2011, the department may not adopt, enforce, or implement any rules or policies restricting the eligibility of consumers for child care subsidy benefits to a countable income level below one hundred seventy-five percent of the federal poverty guidelines.

**Sec. 1506.** 2011 c 5 s 613 (uncodified) is amended to read as follows:

**FOR THE STATE SCHOOL FOR THE BLIND**

General Fund—State Appropriation (FY 2010) . . . . .	\$5,902,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$5,509,000)</del>
	<u>\$5,506,000</u>
General Fund—Private/Local Appropriation . . . . .	\$1,942,000
TOTAL APPROPRIATION . . . . .	<del>(\$13,353,000)</del>
	<u>\$13,350,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$271,000 of the general fund—private/local appropriation is

provided solely for the school for the blind to offer short course programs, allowing students the opportunity to leave their home schools for short periods and receive intensive training. The school for the blind shall provide this service to the extent that it is funded by contracts with school districts and educational services districts.

**Sec. 1507.** 2011 c 5 s 614 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS**

General Fund—State Appropriation (FY 2010) . . . . .	\$8,593,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$8,230,000)</del>
	<u>\$8,226,000</u>
General Fund—Private/Local Appropriation . . . . .	\$526,000
TOTAL APPROPRIATION . . . . .	<del>(\$17,349,000)</del>
	<u>\$17,345,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$210,000 of the general fund—private/local appropriation is provided solely for the operation of the shared reading video outreach program. The school for the deaf shall provide this service to the extent it is funded by contracts with school districts and educational service districts.

(2) \$25,000 of the general fund—state appropriation for fiscal year 2010 and \$25,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1879 (deaf and hard of hearing). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

**Sec. 1508.** 2011 c 5 s 615 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE ARTS COMMISSION**

General Fund—State Appropriation (FY 2010) . . . . .	\$1,844,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$1,230,000)</del>
	<u>\$1,228,000</u>
General Fund—Federal Appropriation . . . . .	<del>(\$1,944,000)</del>
	<u>\$2,107,000</u>
General Fund—Private/Local Appropriation . . . . .	\$1,052,000
TOTAL APPROPRIATION . . . . .	<del>(\$6,070,000)</del>
	<u>\$6,231,000</u>

The appropriations in this section are subject to the following conditions and limitations: It is the intent of the legislature that the reductions in appropriations in this section shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs. The agency shall, to the greatest extent possible, reduce spending in those areas that shall have the least impact on implementing its mission.

**Sec. 1509.** 2011 c 5 s 616 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

General Fund—State Appropriation (FY 2010) . . . . .	\$2,592,000
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General Fund—State Appropriation (FY 2011) . . . . .	(\$2,381,000))
	<u>\$2,379,000</u>
TOTAL APPROPRIATION . . . . .	(\$4,973,000))
	<u>\$4,971,000</u>

The appropriations in this section are subject to the following conditions and limitations: It is the intent of the legislature that the reductions in appropriations in this section shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs. The agency shall, to the greatest extent possible, reduce spending in those areas that shall have the least impact on implementing its mission.

**Sec. 1510.** 2011 c 5 s 617 (uncodified) is amended to read as follows:

**FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

General Fund—State Appropriation (FY 2010) . . . . .	\$1,612,000
General Fund—State Appropriation (FY 2011) . . . . .	(\$1,490,000))
	<u>\$1,489,000</u>
TOTAL APPROPRIATION . . . . .	(\$3,102,000))
	<u>\$3,101,000</u>

The appropriations in this section are subject to the following conditions and limitations: It is the intent of the legislature that the reductions in appropriations in this section shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs. The agency shall, to the greatest extent possible, reduce spending in those areas that shall have the least impact on implementing its mission.

**PART XVI  
SPECIAL APPROPRIATIONS**

**Sec. 1601.** 2010 1st sp.s. c 37 s 701 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT**

General Fund—State Appropriation (FY 2010) . . . . .	\$842,590,000
General Fund—State Appropriation (FY 2011) . . . . .	(\$894,284,000))
	<u>\$878,400,000</u>
State Building Construction Account—State Appropriation . . . . .	\$11,707,000
Columbia River Basin Water Supply Development Account— State Appropriation . . . . .	\$117,000
Hood Canal Aquatic Rehabilitation Bond Account—State Appropriation . . . . .	\$11,000
State Taxable Building Construction Account—State Appropriation . . . . .	\$1,136,000
Gardner-Evans Higher Education Construction Account— State Appropriation . . . . .	\$260,000



Debt-Limit Reimbursable Bond Retirement Account—State	
Appropriation . . . . .	\$2,612,000
TOTAL APPROPRIATION . . . . .	<del>(\$1,752,717,000)</del>
	<u>\$1,736,833,000</u>

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for expenditure into the debt-limit general fund bond retirement account. The entire general fund—state appropriation for fiscal year 2010 shall be expended into the debt-limit general fund bond retirement account by June 30, 2010.

**Sec. 1602.** 2010 1st sp.s. c 37 s 702 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE**

General Fund—State Appropriation (FY 2010) . . . . .	\$26,436,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>(\$27,773,000)</del>
	<u>\$27,709,000</u>

School Construction and Skill Centers Building	
Account—State Appropriation . . . . .	\$477,000
Nondebt-Limit Reimbursable Bond Retirement Account—	
State Appropriation . . . . .	<del>(\$140,872,000)</del>
	<u>\$135,872,000</u>
TOTAL APPROPRIATION . . . . .	<del>(\$195,558,000)</del>
	<u>\$190,494,000</u>

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriation is for expenditure into the nondebt-limit general fund bond retirement account. The entire general fund—state appropriation for fiscal year 2010 shall be expended into the nondebt-limit general fund bond retirement account by June 30, 2010.

**Sec. 1603.** 2010 1st sp.s. c 37 s 703 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES**

General Fund—State Appropriation (FY 2010) . . . . .	\$1,357,000
General Fund—State Appropriation (FY 2011) . . . . .	\$1,357,000
State Building Construction Account—State	
Appropriation . . . . .	\$1,273,000
Columbia River Basin Water Supply Development	
Account—State Appropriation . . . . .	<del>(\$9,000)</del>
	<u>\$13,000</u>

Hood Canal Aquatic Rehabilitation Bond Account—	
State Appropriation . . . . .	\$1,000
State Taxable Building Construction Account—State	
Appropriation . . . . .	<del>(\$72,000)</del>
	<u>\$131,000</u>

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Gardner-Evans Higher Education Construction	
Account—State Appropriation . . . . .	\$18,000
School Construction and Skill Centers Building	
Account—State Appropriation . . . . .	(\$30,000)
	<u>\$51,000</u>
TOTAL APPROPRIATION . . . . .	(\$4,117,000)
	<u>\$4,201,000</u>

**Sec. 1604.** 2010 1st sp.s. c 37 s 709 (uncodified) is amended to read as follows:

**FOR SUNDRY CLAIMS.** The following sums, or so much thereof as may be necessary, are appropriated from the general fund, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of financial management, except as otherwise provided, as follows:

(1) Reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110:

(a) Gerald S. Morrow, claim number 99970006 . . . . .	\$20,567
(b) Darrell R. Baumgart, claim number 99970007 . . . . .	\$4,528
(c) William Davis, claim number 99970008 . . . . .	\$8,093
(d) Gene T. Strader, claim number 99970009 . . . . .	\$33,875
(e) Cecilio Cortez, claim number 99970012 . . . . .	\$17,055
(f) Alexander D. Coble, claim number 99970013 . . . . .	\$302,110
(g) James W. Jolly, claim number 99970017 . . . . .	\$28,884
(h) James Jay Olsen, claim number 99970018 . . . . .	\$97,220
(i) Todd E. Miller, claim number 99970019 . . . . .	\$6,957
(j) Sean S. DeHart, claim number 99970021 . . . . .	\$52,062
(k) Thomas L. Raglin, Jr., claim number 99970022 . . . . .	\$4,360
(l) Matthew Smitham, claim number 99970016 . . . . .	\$8,100
(m) John R. Frederick, claim number 99970020 . . . . .	\$7,719
(n) Justin C. Federmeyer, claim number 99970023 . . . . .	\$29,728
(o) David R. Palmer, claim number 99970024 . . . . .	\$4,250
(p) Ian K. Berghoffer, claim number 99970026 . . . . .	\$33,455
(q) Darryl L. Koenen, claim number 99970027 . . . . .	\$23,077
(r) Lee J. Stites, claim number 99970028 . . . . .	\$7,502
(s) Bobby G. Ewing, claim number 99970029 . . . . .	\$51,093
<u>(t) Dylan Friesz, claim number 99970030 . . . . .</u>	<u>\$10,200</u>
<u>(u) Kevin L. Lund, claim number 99970031 . . . . .</u>	<u>\$11,402</u>
<u>(v) Rodney C. Price, claim number 99970033 . . . . .</u>	<u>\$11,250</u>
<u>(w) Matthew S. Lovacs, claim number 99970034 . . . . .</u>	<u>\$25,700</u>
<u>(x) Christopher A. Peeler, claim number 99970035 . . . . .</u>	<u>\$47,923</u>
<u>(y) Dwayne Myatt-Perez, claim number 99970036 . . . . .</u>	<u>\$70,000</u>
<u>(z) Roland L. Savage, claim number 99970037 . . . . .</u>	<u>\$48,752</u>
<u>(aa) Horace G. Graham, claim number 99970038 . . . . .</u>	<u>\$7,674</u>
<u>(bb) Kenneth L. Werner, claim number 99900039 . . . . .</u>	<u>\$33,162</u>
<u>(cc) Mark A. Peterson, claim number 99970040 . . . . .</u>	<u>\$61,940</u>
<u>(dd) Phillip C. Sly, claim number 99970042 . . . . .</u>	<u>\$3,349</u>
<u>(ee) Sandra Colebourn, claim number 99970043 . . . . .</u>	<u>\$10,615</u>
<u>(ff) Joseph B. Wiggins, claim number 99970044 . . . . .</u>	<u>\$3,500</u>

(2) Payment of death benefit, pursuant to RCW 41.04.017: Estate of Erik Anderson, claim number 99970014 . . . . . \$150,000

**Sec. 1605.** 2010 1st sp.s. c 37 s 710 (uncodified) is amended to read as follows:

**STRATEGIC PRINTING STRATEGY.** (1) The office of financial management shall work with the appropriate state agencies to generate savings of \$1,500,000 from the state general fund that can arise from a strategic printing strategy. ~~((From appropriations in this act, the office of financial management shall reduce general fund—state allotments by \$1,500,000 for fiscal year 2011 to reflect the savings from the strategic printing strategy. The allotment reductions shall be placed in unallotted status and remain unexpended.))~~

(2) The office of financial management, with the assistance of the department of information services and the department of printing, shall conduct an analysis of the state's printing processes to identify the most reasonable strategies of attaining a statewide savings target of \$1,500,000 without affecting direct program activities. The strategies shall include, but not be limited to, standardizing envelopes, utilizing print management, and streamlining processes. Pursuant to RCW 41.06.142(3), the strategies shall also include, on the approval of the office of financial management, pilot projects to authorize state agencies and institutions to directly acquire printing services. The analysis shall identify savings by agency and fund that will result from the implementation of a strategic printing strategy. The results of this analysis shall then be provided to the director of financial management and appropriate legislative committees by July 1, 2010. The director shall use the analysis as the basis to achieve the savings identified in subsection (1) of this section.

**Sec. 1606.** 2011 c 5 s 703 (uncodified) is amended to read as follows:

**INFORMATION TECHNOLOGY**

Pursuant to section 11, chapter 282, Laws of 2010 (state government technology use), the office of financial management shall work with the appropriate state agencies to generate savings of \$30,000,000 from technology efficiencies from the state general fund. From appropriations in this act, the office of financial management shall reduce general fund—state allotments by ~~((\$24,841,000))~~ \$16,209,000 for fiscal year 2011. The office of financial management shall, utilizing existing fund balance, reduce the data processing revolving account rates in an amount to reflect up to half of the reductions identified in this section. The office of financial management may use savings or existing fund balances from information technology accounts to achieve savings in this section. The allotment reductions shall be placed in unallotted status and remain unexpended. Nothing in this section is intended to impact revenue collection efforts by the department of revenue.

**Sec. 1607.** 2009 c 564 s 719 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—O'BRIEN BUILDING IMPROVEMENT**

General Fund—State Appropriation (FY 2010) . . . . .	\$1,435,000
General Fund—State Appropriation (FY 2011) . . . . .	<del>((<u>\$1,435,000</u>))</del>
	<u>\$1,884,000</u>

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TOTAL APPROPRIATION . . . . .((~~\$2,870,000~~))  
\$3,319,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the general administration services account for payment of principal, interest, and financing expenses associated with the certificate of participation for the O'Brien building improvement, project number 20081007.

NEW SECTION. Sec. 1608. A new section is added to 2009 c 564 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—  
WASHINGTON COMMUNITY TECHNOLOGY OPPORTUNITY  
ACCOUNT**

General Fund—State Appropriation (FY 2011) . . . . . \$213,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for expenditure into the Washington community technology opportunity account.

**PART XVII  
OTHER TRANSFERS AND APPROPRIATIONS**

**Sec. 1701.** 2010 1st sp.s. c 37 s 801 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—STATE REVENUES FOR  
DISTRIBUTION**

General Fund Appropriation for fire insurance  
premium distributions . . . . .((~~\$7,572,000~~))  
\$7,888,000

General Fund Appropriation for public utility  
district excise tax distributions . . . . .((~~\$47,342,000~~))  
\$45,125,000

General Fund Appropriation for prosecuting  
attorney distributions . . . . .((~~\$6,281,000~~))  
\$5,804,000

General Fund Appropriation for boating safety  
and education distributions . . . . .((~~\$4,854,000~~))  
\$3,954,000

General Fund Appropriation for other tax  
distributions . . . . .((~~\$50,000~~))  
\$55,000

General Fund Appropriation for habitat conservation  
program distributions . . . . .((~~\$3,000,000~~))  
\$2,642,000

Death Investigations Account Appropriation for  
distribution to counties for publicly funded  
autopsies . . . . . \$2,544,000

Aquatic Lands Enhancement Account Appropriation for  
harbor improvement revenue distribution . . . . . \$170,000

Timber Tax Distribution Account Appropriation for distribution to "timber" counties . . . . .	(( <u>\$36,651,000</u> ))
	<u>\$31,519,000</u>
County Criminal Justice Assistance Appropriation . . . . .	(( <u>\$68,528,000</u> ))
	<u>\$66,216,000</u>
Municipal Criminal Justice Assistance Appropriation. . . . .	(( <u>\$27,175,000</u> ))
	<u>\$25,510,000</u>
City-County Assistance Account Appropriation for local government financial assistance distribution. . . . .	(( <u>\$27,366,000</u> ))
	<u>\$23,845,000</u>
Liquor Excise Tax Account Appropriation for liquor excise tax distribution . . . . .	(( <u>\$58,268,000</u> ))
	<u>\$58,822,000</u>
Streamline Sales and Use Tax Account Appropriation for distribution to local taxing jurisdictions to mitigate the unintended revenue redistribution effect of the sourcing law changes. . . . .	(( <u>\$50,056,000</u> ))
	<u>\$51,535,000</u>
Columbia River Water Delivery Account Appropriation for the Confederated Tribes of the Colville Reservation . . . . .	(( <u>\$7,315,000</u> ))
	<u>\$7,257,000</u>
Columbia River Water Delivery Account Appropriation for the Spokane Tribe of Indians . . . . .	(( <u>\$4,644,000</u> ))
	<u>\$4,704,000</u>
Liquor Revolving Account Appropriation for liquor profits distribution . . . . .	(( <u>\$68,741,000</u> ))
	<u>\$64,670,000</u>
Liquor Revolving Account Appropriation for additional liquor profits distribution to local governments . . . . .	\$18,677,000
TOTAL APPROPRIATION . . . . .	(( <u>\$439,234,000</u> ))
	<u>\$420,937,000</u>

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

**Sec. 1702.** 2009 c 564 s 802 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—FOR THE COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

Impaired Driver Safety Account Appropriation . . . . .	(( <u>\$2,351,000</u> ))
	<u>\$2,467,000</u>

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2009-11 biennium in accordance with RCW 82.14.310. This funding is provided to counties for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter

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208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

**Sec. 1703.** 2009 c 564 s 803 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—FOR THE MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

Impaired Driver Safety Account Appropriation . . . . . ~~(\$1,543,000)~~  
\$1,645,000

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2009-11 biennium to all cities ratably based on population as last determined by the office of financial management. The distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located. This funding is provided to cities for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

NEW SECTION. **Sec. 1704.** 2010 1st sp.s. c 37 s 802 (uncodified) is repealed.

**Sec. 1705.** 2011 c 5 s 801 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—TRANSFERS**

State Treasurer's Service Account: For transfer to the state general fund, \$16,400,000 for fiscal year 2010 and \$29,400,000 for fiscal year 2011 . . . . . \$45,800,000

Waste Reduction, Recycling and Litter Control Account:  
For transfer to the state general fund, \$3,000,000 for fiscal year 2010 and \$3,000,000 for fiscal year 2011 . . . . . \$6,000,000

State Toxics Control Account: For transfer to the state general fund, \$15,340,000 for fiscal year 2010 and \$37,780,000 for fiscal year 2011 . . . . . \$53,120,000

Local Toxics Control Account: For transfer to the state general fund, \$37,060,000 for fiscal year 2010 and \$65,759,000 for fiscal year 2011 . . . . . \$102,819,000

Education Construction Account: For transfer to the state general fund, \$105,228,000 for fiscal year 2010 and \$106,451,000 for fiscal year 2011 . . . . . \$211,679,000

Aquatics Lands Enhancement Account: For transfer to the state general fund, \$8,520,000 for fiscal year 2010 and \$12,550,000 for fiscal year 2011 . . . . .	\$21,070,000
Drinking Water Assistance Account: For transfer to the drinking water assistance repayment account . . . . .	\$28,600,000
Economic Development Strategic Reserve Account: For transfer to the state general fund, \$2,500,000 for fiscal year 2010 and \$3,900,000 for fiscal year 2011 . . . . .	\$6,400,000
Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed by more than \$26,000,000 the actual amount of the annual payment to the tobacco settlement account . . . . .	\$204,098,000
Tobacco Settlement Account: For transfer to the life sciences discovery fund, in an amount not to exceed \$26,000,000 less than the actual amount of the strategic contribution supplemental payment to the tobacco settlement account . . . . .	\$39,170,000
General Fund: For transfer to the streamline sales and use tax account, \$24,274,000 for fiscal year 2010 and <del>(\$24,182,000)</del> <u>\$25,803,000</u> for fiscal year 2011 . . . . .	<del>(\$48,456,000)</del> <u>\$50,077,000</u>
State Convention and Trade Center Account: For transfer to the state convention and trade center operations account, \$1,000,000 for fiscal year 2010 <del>(and \$3,100,000 for fiscal year 2011 . . . . .)</del>	<del>\$4,100,000)</del> <u>\$1,000,000</u>
Tobacco Prevention and Control Account: For transfer to the state general fund, \$1,961,000 for fiscal year 2010 and \$3,000,000 for fiscal year 2011 . . . . .	\$4,961,000
Nisqually Earthquake Account: For transfer to the disaster response account for fiscal year 2010 . . . . .	\$500,000
Judicial Information Systems Account: For transfer to the state general fund, \$3,250,000 for fiscal year 2010 and \$3,250,000 for fiscal year 2011 . . . . .	\$6,500,000
Department of Retirement Systems Expense Account: For transfer to the state general fund, \$1,000,000 for fiscal year 2010 and \$1,500,000 for fiscal year 2011 . . . . .	\$2,500,000
State Emergency Water Projects Account: For transfer to the state general fund, \$390,000 for fiscal year 2011 . . . . .	\$390,000
The Charitable, Educational, Penal, and Reformatory Institutions Account: For transfer to the state general fund, \$5,550,000 for fiscal year 2010 and \$4,450,000 for fiscal year 2011 . . . . .	\$10,000,000

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Energy Freedom Account: For transfer to the state general fund, \$4,038,000 for fiscal year 2010 and \$2,978,000 for fiscal year 2011 . . . . .	\$7,016,000
Thurston County Capital Facilities Account: For transfer to the state general fund, \$8,604,000 for fiscal year 2010 and \$5,156,000 for fiscal year 2011 . . . . .	\$13,760,000
Public Works Assistance Account: For transfer to the state general fund, \$279,640,000 for fiscal year 2010 and \$229,560,000 for fiscal year 2011 . . . . .	\$509,200,000
Budget Stabilization Account: For transfer to the state general fund for fiscal year 2010. . . . .	\$45,130,000
Liquor Revolving Account: For transfer to the state general fund, \$31,000,000 for fiscal year 2010 and \$31,000,000 for fiscal year 2011 . . . . .	\$62,000,000
Public Works Assistance Account: For transfer to the city-county assistance account, \$5,000,000 on July 1, 2009, and \$5,000,000 on July 1, 2010 . . . . .	\$10,000,000
Public Works Assistance Account: For transfer to the drinking water assistance account, \$6,930,000 for fiscal year 2010 ( <del>and \$4,000,000 for fiscal year 2011</del> ). . . . .	( <del>\$10,930,000</del> )
	<u>\$6,930,000</u>
Shared Game Lottery Account: For transfer to the education legacy trust account, \$3,600,000 for fiscal year 2010 and \$2,400,000 for fiscal year 2011 . . . . .	\$6,000,000
State Lottery Account: For transfer to the education legacy trust account, \$9,500,000 for fiscal year 2010 and \$9,500,000 for fiscal year 2011 . . . . .	\$19,000,000
College Faculty Awards Trust Fund: For transfer to the state general fund for fiscal year 2010, an amount not to exceed the actual cash balance of the fund and \$1,957,000 for fiscal year 2011 . . . . .	\$5,957,000
Washington Distinguished Professorship Trust Fund: For transfer to the state general fund for fiscal year 2010, an amount not to exceed the actual cash balance of the fund and \$2,966,000 for fiscal year 2011 . . . . .	\$8,966,000
Washington Graduate Fellowship Trust Account: For transfer to the state general fund for fiscal year 2010, an amount not to exceed the actual cash balance of the fund and \$1,008,000 for fiscal year 2011 . . . . .	\$3,008,000
GET Ready for Math and Science Scholarship Account: For transfer to the state general fund for fiscal year 2010, an amount not to exceed the actual cash balance not comprised of or	



needed to match private contributions . . . . .	\$1,800,000
Financial Services Regulation Account: For transfer to the state general fund, \$2,000,000 for fiscal year 2010 and \$7,000,000 for fiscal year 2011 . . . . .	\$9,000,000
Data Processing Revolving Fund: For transfer to the state general fund, \$5,632,000 for fiscal year 2010 and \$4,159,000 for fiscal year 2011 . . . . .	\$9,791,000
Public Service Revolving Account: For transfer to the state general fund, \$8,000,000 for fiscal year 2010 and \$7,000,000 for fiscal year 2011 . . . . .	\$15,000,000
Water Quality Capital Account: For transfer to the state general fund, \$278,000 for fiscal year 2011 . . . . .	\$278,000
Performance Audits of Government Account: For transfer to the state general fund, \$10,000,000 for fiscal year 2010 and \$7,000,000 for fiscal year 2011 . . . . .	\$17,000,000
Job Development Account: For transfer to the state general fund, \$20,930,000 for fiscal year 2010 . . . . .	\$20,930,000
Savings Incentive Account: For transfer to the state general fund, \$10,117,000 for fiscal year 2010 and \$32,075,000 for fiscal year 2011 . . . . .	\$42,192,000
Education Savings Account: For transfer to the state general fund, \$90,690,000 for fiscal year 2010 and \$53,384,000 for fiscal year 2011 . . . . .	\$144,074,000
Cleanup Settlement Account: For transfer to the state efficiency and restructuring account for fiscal year 2011 . . . . .	\$39,480,000
Disaster Response Account: For transfer to the state drought preparedness account, \$4,000,000 for fiscal year 2010 . . . . .	\$4,000,000
Washington State Convention and Trade Center Account: For transfer to the state general fund, \$10,000,000 for fiscal year 2011. The transfer in this section shall occur on June 30, 2011, only if by that date the Washington state convention and trade center is not transferred to a public facilities district pursuant to Substitute Senate Bill No. 6889 (convention and trade center) . . . . .	\$10,000,000
Institutional Welfare/Betterment Account: For transfer to the state general fund, \$2,000,000 for fiscal year 2010 and \$2,000,000 for fiscal year 2011 . . . . .	\$4,000,000
Future Teacher Conditional Scholarship Account: For transfer to the state general fund, \$2,150,000 for fiscal year 2010 and \$2,150,000 for fiscal year 2011 . . . . .	\$4,300,000

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Fingerprint Identification Account: For transfer to the state general fund, \$800,000 for fiscal year 2011 .....	\$800,000
Prevent or Reduce Owner-Occupied Foreclosure Program Account: For transfer to the financial education public-private partnership account for fiscal year 2010, an amount not to exceed the actual cash balance of the fund as of June 30, 2010. ....	\$300,000
Nisqually Earthquake Account: For transfer to the state general fund for fiscal year 2011 .....	\$696,000
Disaster Response Account: For transfer to the state general fund for fiscal year 2011 .....	\$14,500,000
Washington Auto Theft Prevention Account: For transfer to the state general fund, \$1,500,000 for fiscal year 2011 .....	\$1,500,000
Tourism Enterprise Account: For transfer to the state general fund, \$590,000 for fiscal year 2011 .....	\$590,000
Tourism Development and Promotion Account: For transfer to the state general fund, \$205,000 for fiscal year 2011 .....	\$205,000
Life Sciences Discovery Fund: For transfer to the basic health plan stabilization account. ....	\$6,000,000
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Industrial Insurance Premium Refund Account: For transfer to the state general fund, \$4,500,000 for fiscal year 2011 .....	\$4,500,000
Distressed County Assistance Account: For transfer to the state general fund, \$205,000 for fiscal year 2011 .....	\$205,000
State Drought Preparedness Account: For transfer to the state general fund, \$4,000,000 for fiscal year 2011 .....	\$4,000,000
Freshwater Aquatic Algae Control Account: For transfer to the state general fund, \$400,000 for fiscal year 2011 .....	\$400,000
Freshwater Aquatic Weeds Account: For transfer to the state general fund, \$300,000 for fiscal year 2011 .....	\$300,000
Liquor Control Board Construction and Maintenance Account: For transfer to the state general fund for fiscal year 2011 .....	\$3,000,000

**PART XVIII  
MISCELLANEOUS**

**NEW SECTION. Sec. 1801.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 1802.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately, except for section 951 of this act which takes effect June 30, 2011.

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Passed by the House May 24, 2011.

Passed by the Senate May 25, 2011.

Approved by the Governor June 15, 2011, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State June 15, 2011.

Note: Governor's explanation of partial veto is as follows:

"I am returning, without my approval as to Sections 123(4); 125, page 14, line 28; 127(11); 129(4); 129(5); 129(6); 129(8); 129(9); 129(10); 134(4); 139(3); 139(4); 144(1); 144(2); 201(5); 202(8); 202(11); 205(1)(j); 205(2)(c); 205(2)(d); 206(16); 206(17); 207(9); 209(1); 213, page 68, line 12; 213(16); 213(17); 213(34); 213(38); 213(47); 213(48); 217(3); 218(2)(a); 219(11); 219(14); 219(17); 220(1)(b); 220(2)(a); 220(3)(a); 221, page 96, lines 8-14; 301, page 98, lines 8-11; 302(9); 302(10); 303(4); 307(12); 308(10); 310, page 110, lines 25-28; 312; 401(3); 401(4); 501(1)(a)(iv); 501(1)(i); 601(6)(c); 605(3); 610(3); 610(9); 613(2)(b); 613(4); 617(7); 617(11); 716; 721(2); 724; 805, page 192, lines 35-37, and page 193, line 1-18; 925; 934; 935; 978, Second Engrossed Substitute House Bill 1087 entitled:

"AN ACT Relating to fiscal matters."

I have vetoed the following appropriation items because of concerns with policy or technical issues relating to the legislative provisions:

**Section 123(4), page 14, State Auditor's Office, Fraud Ombudsman**

The State Auditor is provided funding for the work of the fraud ombudsman, whose office was to be created through passage of Engrossed Substitute Senate Bill 5921 (relating to social services). Because I have vetoed the creation of the fraud ombudsman's office within the State Auditor's Office, I have also vetoed Section 123(4).

**Section 125, page 14, line 28, Attorney General's Office, Medicaid Fraud Penalty Account**

**Section 213, page 68, line 12, Health Care Authority, Medicaid Fraud Penalty Account**

These appropriations, which were to be used to fund the Attorney General's Fraud Investigation Unit, are from a non-existent account. The budget assumed passage of Engrossed Substitute Senate Bill 5960 (relating to Medicaid fraud), which did not pass. As a result, the Attorney General's Office and Health Care Authority will need to use other sources of funding until an appropriate fund source can be identified in the 2012 supplemental budget. Because this account does not exist, I have vetoed Section 125, page 14, line 28, and Section 213, page 68, line 12.

**Section 127(11), page 19, Department of Commerce, Public Works Assistance Account Savings**

The administrative savings attributed to the Public Works Assistance Account is from the implementation of Substitute Senate Bill 5844 (local government infrastructure), which did not pass. The Department should be afforded flexibility in how it achieves its budget reductions. For this reason, I have vetoed Section 127(11).

**Section 129(4), page 23, Office of Financial Management, Collective Bargaining for Health Insurance**

The requirement to propose employee contributions to health insurance on a sliding scale is incompatible with Washington's collective bargaining statutes, which limit bargaining on health insurance to the amount of the employer contribution. It is also problematic to consider single elements of collective bargaining in isolation. The existing statute recognizes this by having the Governor negotiate the agreements in their totality, with input from the Joint Committee on Employment Relations. Further, sliding scale contributions would present implementation challenges. For these reasons, I have vetoed Section 129(4).

**Section 129(5), page 23, Office of Financial Management, Direct Deposit Feasibility Study**

This proviso requires the Office of Financial Management (OFM) to conduct a feasibility study on the implications of mandating direct payroll deposit for state employees, and to report to the legislative fiscal committees by December 1, 2011. OFM has already researched the feasibility of mandating direct deposit for all state employees. As a part of this research, stakeholders were contacted and concerns were raised regarding the impact of such a mandate. Since the majority of state employees voluntarily use direct deposit, the amount of effort required to make this change would outweigh the possible savings. For this reason, I have vetoed Section 129(5).

**Section 129(6), page 24, Office of Financial Management, Study to Use Digital Signatures for Employment Actions**

This proviso requires OFM to conduct a feasibility study on the potential impacts of a system that would allow digital signatures for the purpose of employment activities. OFM is responsible for coordinating an unprecedented level of organizational and governmental service changes in the 2011-13 biennium. It does not have the capacity to perform this study with existing resources. For this reason, I have vetoed Section 129(6).



**Section 129(8), page 24, Office of Financial Management, Washington State Quality Award Training****Section 129(9), page 24, Office of Financial Management, Washington State Quality Award Assessment****Section 129(10), page 24, Office of Financial Management, Priorities of Government Program Information****Section 925, page 204, Office of Financial Management, Employee Performance Management Training Tracking and Performance Management**

Section 129(8) provides \$100,000 State General Fund for OFM to contract with the Washington State Quality Award for training, outreach, and assessments for public agencies and public agency vendors. Section 129(9) directs the Government Management and Accountability Performance (GMAP) program to develop, in coordination with the Washington State Quality Award, a plan for all state agencies to complete a Washington State Quality Award or Baldrige full assessment by June 30, 2013. Section 129(10) requires the Priorities of Government program to include in its report the Washington State Quality Award assessment score for agencies. Section 925 adds requirements related to the Washington State Quality Award and Baldrige assessments and the tracking of employee performance management training. Given the unprecedented level of 2011-13 budget reductions, I believe our existing GMAP process is more cost-effective. For these reasons, I have vetoed Section 129(8), Section 129(9), Section 129(10), and Section 925.

**Section 139(3) and (4), pages 27-28, Consolidated Technology Services Agency, Consolidated State Data Center**

These provisos set forth a number of conditions that must be met prior to equipping and operating the new state data center. These restrictions will significantly impede the ability of state agencies to use this asset. We are in the process of implementing all of these conditions (appointing a new Chief Information Officer, adopting technical standards for shared services, developing competitive rates for data center services, and developing a detailed implementation plan). However, work to design and equip the data center network and infrastructure must proceed to maintain the current schedule to migrate state agency data centers to the new consolidated data center. For this reason, I have vetoed Section 139(3) and Section 139(4).

**Section 201(5), page 35, Department of Social and Health Services, Food Procurement Cost Information****Section 219(14), pages 91-92, Department of Health, Food Procurement Cost Information****Section 220(1)(b), page 93, Department of Corrections, Food Procurement Cost Information****Section 221, page 96, lines 8-14, Department of Services for the Blind, Food Procurement Cost Information**

These provisos direct these agencies to compile and submit food procurement costs to the Department of Health. No funding was provided to collect or analyze this data. Given the amount of administrative reductions to be incurred by these departments, additional unfunded requirements cannot be completed. For this reason, I have vetoed Section 201(5), Section 219(14), Section 220(1)(b), and Section 221, page 96, lines 8-14.

**Section 202(8), pages 38-39, Department of Social and Health Services — Children and Family Services, Foster Care Reduction Workgroup**

In 2010, the Office of Financial Management, Department of Social and Health Services (DSHS), and Washington State Caseload Forecast Council developed a plan to reinvest resources from foster care savings and presented it to the Governor and the Legislature.

Section 202(8) instructs DSHS to establish a workgroup to duplicate the work that has already been performed. In addition, no resources were provided to complete this task. For these reasons, I have vetoed Section 202(8).

**Section 202(11), page 39, Department of Social and Health Services — Children and Family Services, Administrative Reductions****Section 205(2)(c), page 54, Department of Social and Health Services — Developmental Disabilities, Administrative Reductions****Section 207(9), page 64, Department of Social and Health Services — Economic Services, Administrative Reductions**

Whenever possible, state agencies reduce administrative expenses before reducing services. The Department has made significant progress in finding ways to improve services to Washington residents while reducing costs. However, given the significant reductions in administrative activities made in the past few years, additional reductions cannot be limited to administrative reductions and

will likely impact services. For this reason, I have vetoed Section 202(11), Section 205(2)(c), and Section 207(9).

**Section 205(1)(j), page 53, Department of Social and Health Services — Developmental Disabilities, Community First Choice Option**

This proviso requires the Department to determine whether it would be cost-efficient for the state to exercise a 1915(k) Medicaid waiver and submit a plan to the Legislature during the next legislative session. I am directing the Department to conduct this review and move forward with implementing the waiver if the finding demonstrates that it is cost-efficient, instead of waiting for the subsequent legislative session. For this reason, I have vetoed Section 205(1)(j).

**Section 205(2)(d), page 54, Department of Social and Health Services — Developmental Disabilities, Frances Haddon Morgan Center and Yakima Valley School**

This proviso directs that no resident shall be moved from these residential habilitation centers unless and until the Department has the "appropriate and suitable" community option and services available as specified in the client's individual habilitation plan. The terms "appropriate and suitable" are subjective and would be difficult to implement. I am directing the Department to keep the wellbeing of the residents at the forefront as these moves take place. For this reason, I have vetoed Section 205(2)(d).

**Section 206(17), page 61, Department of Social and Health Services — Aging and Adult Services, Community First Choice Option**

The Department must determine whether it would be cost-efficient for the state to exercise a 1915(k) Medicaid waiver, and submit a plan to the Legislature in the next legislative session. I am directing the Department to conduct this review and move forward with implementing the waiver if the finding demonstrates that it is cost-efficient, instead of waiting for the subsequent legislative session. For this reason, I have vetoed Section 206(17).

**Section 209(1), page 66, Department of Social and Health Services — Vocational Rehabilitation, Serving Lifeline Clients**

This proviso, which applies to the entire 2011-13 biennium, directs the Department to serve Lifeline clients; however, the Lifeline program terminates on October 31, 2011. I am, however, directing the Department to make every effort to continue to serve clients receiving public assistance, within the requirements of the federal Rehabilitation Act of 1973. For this reason, I have vetoed Section 209(1).

**Section 213(16), pages 74-75, Health Care Authority, Disability Lifeline Managed Care**

The reference to Disability Lifeline is no longer valid because the Disability Lifeline program no longer exists effective November 2011. I am directing the Health Care Authority to contract managed care services in a way that maximizes patient outcomes in the most cost effective manner. For this reason, I have vetoed Section 213(16).

**Section 213(17), page 75, Health Care Authority, Impact Evaluation for Disability Lifeline**

The Health Care Authority is directed to evaluate the impact of a managed care delivery system on state costs and outcomes for Lifeline medical clients. No funding was provided for this evaluation. For this reason, I have vetoed Section 213(17).

**Section 213(34), page 79, Health Care Authority, Power Wheelchairs**

The state must meet the medical necessity test as a condition of operating a Medicaid program. This proviso creates a confusing situation by prohibiting the current limitation of power wheelchairs to clients in school or work. As a cost savings step, reducing power wheelchairs is preferable to many other service reduction options. The state should be allowed to establish a benefit design that meets federal standards without overly prescriptive budget provisos. For these reasons, I have vetoed Section 213(34).

**Section 213(38), page 80, Health Care Authority, Federally Qualified Health Clinics**

This proviso directs payments to federally qualified health centers and rural health clinics. On lines 22-23, the proviso references the incorrect years, which would result in deeper reductions than is intended. I am, however, directing the Health Care Authority to implement the reductions in accordance with the appropriation amounts. For this reason, I have vetoed Section 213(38).

**Section 213(47), page 82, Health Care Authority, State Pharmacists Contract**

The agency is directed to contract with an organization that will use state pharmacists to provide medication therapy management services to lower costs and improve patient compliance. No other state Medicaid program in the country has implemented this program and achieved savings. For this reason, I have vetoed Section 213(47).

**Section 213(48), page 82, Health Care Authority, Report on Not-For-Profit Disproportionate Share Hospitals**

This proviso requires the agency to evaluate community benefit information provided by disproportionate share hospitals and report to the Legislature with an assessment of improved measures for charity care efforts. No resources were provided to conduct this evaluation. For this reason, I have vetoed Section 213(48).

**Section 218(2)(a), page 87, Department of Veterans Affairs, Identify and Assist General Assistance Unemployable Clients**

The General Assistance Unemployable program no longer exists. I am directing the Department of Social and Health Services and the Department of Veterans Affairs to continue working collaboratively to help public assistance clients access veterans' benefits for which they qualify. For this reason, I have vetoed Section 218(2)(a).

**Section 220(2)(a), page 93, Department of Corrections — Priority of Personnel Reductions  
Section 220(3)(a), page 94, Department of Corrections — Priority of Personnel Reductions**

The Department continues to look for administrative and other reductions that minimize impact on custody staff and correctional industries. However, given the significant expenditure reductions made in the past few years, it is critical that the Department has flexibility in how it achieves its budget reductions. For this reason, I have vetoed Section 220(2)(a) and Section 220(3)(a).

**Natural Resource Agency Consolidation**

Several appropriations in Second Engrossed Substitute House Bill 1087 assume the passage of Engrossed Second Substitute Senate Bill 5669 (Consolidating natural resources agencies and programs); however, this bill did not pass. Appropriation bill language signals a legislative intent to shift Fiscal Year 2013 funding among agencies to reflect the new organizational structure created in Engrossed Second Substitute Senate Bill 5669. These discrepancies will need to be reconciled during the 2012 legislative session. Initial steps can be taken now through some vetoes of unneeded consolidation-related provisos that contain duplicative information or technical errors. For these reasons, I have vetoed the following sections:

**Section 301, page 98, lines 8-11, Columbia River Gorge Commission****Section 302(9), page 101, Department of Ecology****Section 302(10), page 101, Department of Ecology****Section 310, page 110, lines 25-28, Washington Pollution Liability Insurance Program****Section 303(4), page 102, State Parks and Recreation Commission, Land Purchase**

The Commission is prohibited from expending state monies to purchase or acquire lands other than those called for in Senate Bill 5467 (capital budget) or House Bill 1497 (capital budget). A technical problem is created by the fact that the House bill cited is only one of the two capital budget bills that passed the Legislature. For this reason, I have vetoed Section 303(4).

**Section 307(12), page 107, Department of Fish and Wildlife, Purchase of Lands**

This proviso restricts the Department from expending state monies to purchase or acquire additional lands other than those called for in Senate Bill 5467 (capital budget) or House Bill 1497 (capital budget). The House bill cited is only one of the two capital budget bills that passed the Legislature. For this reason, I have vetoed Section 307(12).

**Section 308(10), pages 109-110, Department of Natural Resources, Marine Rents Committee**

This proviso directs the Department to convene a marine rents review committee in order to explore ways to refine and improve the method for calculating rents for marinas occupying state-owned aquatic lands. A report and recommendations are due to the Legislature by December 1, 2011. Since no funding was provided to complete this report, I have vetoed Section 308(10). I am however, asking the Commissioner of Public Lands to review past studies on this subject, discuss the issue with all affected stakeholders and prepare legislation for next session.

**Section 312, pages 111-112, Department of Agriculture, Department of Ecology, and State Conservation Commission - Livestock Operations Review**

Three agencies are required to conduct a process to review the impact of livestock operations on water quality, and to make recommendations by December 31, 2011. In March, these agencies committed to conducting a review process similar to this one; however, this proviso expands that process without an increase in funding. For this reason, I have vetoed Section 312. I am directing these agencies to continue the process they committed to during the legislative session.

**Section 401(4), pages 113-114, Department of Licensing, House Bill 2017 - Master License Service (MLS) Transfer**

This proviso prohibits the Department of Revenue from reimbursing the Department of Licensing for costs related to transferring the Master License Service program after July 1, 2011. This restriction limits the agencies' ability to facilitate a seamless transfer of the program, as required by Substitute House Bill 2017. For this reason, I have vetoed Section 401(4). However, I am directing the Department of Licensing to expedite the transfer in order to minimize the work and costs that will be incurred in the next biennium.

**Section 501(1)(a)(iv), page 117, Superintendent of Public Instruction, Electronic Certification System**

The Office of the Superintendent of Public Instruction and the Office of Financial Management are required "to work to allocate sufficient funding from the federal grant funds for the state's P-20 longitudinal data system, to the extent allowable, for the purpose of developing and implementing a new electronic certification system." The P-20 grant links student education data across time and databases, from early childhood to career, by funding data technology projects at ten state agencies. As drafted, this proviso places construction of the electronic certification system ahead in the funding priority line, in front of all other projects. Additionally, the electronic certification system can be built with fees authorized in Engrossed Substitute House Bill 1449, a funding source not available for the other projects. For this reason, I have vetoed Section 501(1)(a)(iv). However, I am directing OFM to explore the use of grant funds for the system's construction, if funds are available and consistent with the administration of other projects in the P-20 program.

**Section 601(6)(c), page 155, Higher Education, Salary Increases from Other Sources**

This proviso authorizes salary increases from sources other than the State General Fund for instructional and research faculty at the state's universities and The Evergreen State College. This authority conflicts with Engrossed Substitute Senate Bill 5860, which freezes state government salaries unless agencies or institutions demonstrate difficulty in retaining qualified employees. For this reason, I have vetoed Section 601(6)(c).

**Section 605(3), page 160, State Board for Community and Technical Colleges, Administrative Efficiencies**

The State Board for Community and Technical Colleges is directed to achieve \$7 million in savings through efficiencies, including consolidation of college districts and administrative and governance functions. The State Board will achieve the required savings, but the proviso is overly prescriptive. For this reason, I have vetoed Section 605(3).

**Section 610(9), page 167, The Evergreen State College, Controlled Substances Study**

This proviso directs the Washington State Institute for Public Policy to study the costs and benefits to state and local governments and the citizens of Washington from implementation of the state's policies on "controlled substances, excluding alcohol, tobacco and pharmaceuticals." The reality is that these are controlled substances under federal law. It is unwise to spend taxpayer dollars on a study that cannot address the fundamental issues in this policy area. Therefore, I have vetoed Section 610(9).

**Section 613(2)(b), page 168, Higher Education Coordinating Board — Financial Aid and Grant Programs, State Need Grant Scholarships for Private College Students**

This proviso limits State Need Grant award in Fiscal Year 2012 for private college students to the level of students attending public regional universities. This would reduce Need Grant awards to levels below current practice. This proviso was included in the bill as a result of a technical drafting error. Appropriations in the budget are not based on this unintended restriction. For this reason, I have vetoed Section 613(2)(b).

**Section 613(4), page 169, Higher Education Coordinating Board, Financial Aid and Grant Programs — Gaining Early Awareness and Readiness for Undergraduate Programs Project**

This proviso would restrict the use of funding in an appropriation from the Education Legacy Trust Account. This apparently is a technical bill drafting error, because no such appropriation exists in this section. Therefore, I have vetoed Section 613(4).

**Section 617(7), page 173, Department of Early Learning, Eligibility for Working Connections Child Care**

This proviso prohibits the Department of Early Learning from making rules that reduce the income eligibility criteria of the Working Connections Child Care program to below the current level of 175 percent of the federal poverty level. Such a limitation infringes on my authority to manage the WorkFirst program, which includes the Working Connections Child Care program. For this reason, I have vetoed Section 617(7).

**Section 617(11), page 173, Department of Early Learning, Child Care Copayment Structure**

This proviso directs the Department of Early Learning to implement a child care copayment structure that gradually increases the copayments of parents in the Working Connection Child Care program based on income and other factors. Additionally, the proviso includes multiple directives about how the copayment structure should be developed. The Department of Early Learning is already beginning work on potential child care copayment structures that smooth out the tiers in the current model. The parameters of this proviso unnecessarily limit the agency's options. For this reason, I have vetoed Section 617(11).

**Section 716, pages 182-184, Office of Financial Management, Agency Reallocation and Realignment Commission**

Section 716 creates the Agency Reallocation and Realignment Commission with responsibilities for examining current state operations and organization, and making proposals to reduce expenditures and eliminate duplication and overlapping services. The sum of \$100,000 in State General Fund dollars is provided for this purpose. During the Priorities of Government activity conducted during the summer of 2010, I appointed an external stakeholder team that performed similar responsibilities envisioned for this commission. Several of the public's suggestions, including the merger of central service functions, were proposed in my budget and enacted by the Legislature. Since we already have mechanisms to perform many of the same responsibilities without additional expense, this commission is not needed. For these reasons, I have vetoed Section 716.

**Section 805, page 192, lines 35-37, and page 193, lines 1-18, State Treasurer, Conditions on Life Sciences Discovery Fund**

These provisos place seven conditions on the Life Sciences Discovery Fund (LSDF). With the exception of subsection 1 these conditions decrease its autonomy and overall efficacy. For this reason, I have vetoed Section 805, page 192, lines 35-37; and page 193, lines 1-18.

**Section 934, page 212, Amending the State Civil Service Law, RCW 41.06.022**

**Section 935, pages 212-218, Amending the State Civil Service Law, RCW 41.06.070**

Section 934 makes two changes to the current civil service law for the duration of the 2011-13 biennium: (1) Any manager whose position is eliminated and who transfers to a different position shall be compensated at a level no higher than commensurate with the new position, and (2) No manager whose position is eliminated shall have reversion rights to classified position unless the employee was employed in the position, or a substantially equivalent one, within three years prior to the effective date of this act. Section 935 requires that any exempt employee whose position is eliminated and who transfers to a different position shall be compensated at a level no higher than commensurate with the new position. It is inappropriate to unilaterally and retroactively change the terms of employment for employees who have served with sufficient excellence to be promoted to leadership positions. Revoking guarantees made when these employees accepted offers to serve in management positions is simply unwarranted. In addition, the language is written in such a way that it would be applied unevenly to employees in equivalent situations, based on the presumed specific budget reduction that might apply in a given case. This approach would also make it distinctly more difficult for state agencies to promote from within the ranks of their employees. For these reasons, I have vetoed Sections 934 and 935.

**Section 978, page 271, Reports on Ensuing Biennium Impact of Budget Proposals**

While I am supportive of the intent to provide ensuing biennium impact statements on legislative and executive budget proposals, this language originated as separate legislation and is more appropriately implemented as a change to statute, not as part of an appropriations bill that expires in two years.

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Furthermore, the information required for both the State General Fund and other funds is far more detailed than necessary for a statewide budget outlook. For these reasons, I have vetoed Section 978.

A number of appropriations in Second Engrossed Substitute House Bill 1087 are contingent upon passage of separate legislation, with legislative direction that the appropriations will lapse if the bills are not enacted. The following vetoes relate to bills that did not pass:

**Section 134(4), page 26, Department of Retirement Systems, Substitute Senate Bill 5846 (Retired public employees)**

**Section 144(1), page 29, Liquor Control Board, House Bill 2043 or Senate Bill 5916 (Liquor related products)**

**Section 144(2), page 29, Liquor Control Board, House Bill 2043 or Senate Bill 5917 (Co-located contract stores)**

**Section 206(16), page 61, Department of Social and Health Services, Engrossed Second Substitute House Bill 1901 (Reshaping the delivery of the long-term care system)**

**Section 217(3), page 86, Department of Labor and Industries, Engrossed Second Substitute House Bill 1701 (Contractor misclassification)**

**Section 219(11), page 91, Department of Health, Substitute House Bill 1468 (Public water system permits)**

**Section 219(17), page 92, Department of Health, Substitute Senate Bill 5542 (Cigar lounge and tobacconist shop special license)**

**Section 401(3), page 113, Department of Licensing, Substitute House Bill 1205 (Court reporter licensing)**

**Section 501(1)(i), pages 118-119, Office of the Superintendent of Public Instruction, House Bill 2111 (Implementing Quality Education Council recommendations)**

**Section 610(3), page 165, The Evergreen State College, Engrossed Second Substitute House Bill 1443 (Continuing education reforms)**

**Section 721(2), page 186, Transportation agencies, Senate Bill 5920 (Limiting annual increase amounts)**

**Section 724, page 187, Substitute Senate Bill 5846 (Health benefit subsidies)**

For these reasons, I have vetoed Sections 134(4); 144(1); 144(2); 206(16); 217(3); 219(11); 219(17); 401(3); 501(1)(i); 610(3); 721(2); and 724.

With the exception of Sections 123(4); 125, page 14, line 28; 127(11); 129(4); 129(5); 129(6); 129(8); 129(9); 129(10); 134(4); 139(3); 139(4); 144(1); 144(2); 201(5); 202(8); 202(11); 205(1)(j); 205(2)(c); 205(2)(d); 206(16); 206(17); 207(9); 209(1); 213, page 68, line 12; 213(16); 213(17); 213(34); 213(38); 213(47); 213(48); 217(3); 218(2)(a); 219(11); 219(14); 219(17); 220(1)(b); 220(2)(a); 220(3)(a); 221, page 96, lines 8-14; 301, page 98, lines 8-11; 302(9); 302(10); 303(4); 307(12); 308(10); 310, page 110, lines 25-28; 312; 401(3); 401(4); 501(1)(a)(iv); 501(1)(i); 601(6)(c); 605(3); 610(3); 610(9); 613(2)(b); 613(4); 617(7); 617(11); 716; 721(2); 724; 805, page 192, lines 35-37, and page 193, line 1-18; 925; 934; 935; 978, Second Engrossed Substitute House Bill 1087 is approved."

AUTHENTICATION

I, K. Kyle Thiessen, Code Reviser of the State of Washington, certify that, with the exception of such corrections as I have made in accordance with the powers vested in me by RCW 44.20.060, the laws published in this volume are a true and correct reproduction of the copies of the enrolled laws of the 2011 special session (62nd Legislature), chapters 22 through 50, as certified and transmitted to the Statute Law Committee by the Secretary of State under RCW 44.20.020.

IN TESTIMONY WHEREOF, I have hereunto set my hand at Olympia, Washington, this 22nd day of July, 2011.

A handwritten signature in cursive script that reads "K. Kyle Thiessen" followed by a horizontal line.

K. KYLE THIESSEN  
Code Reviser





PROPOSED CONSTITUTIONAL AMENDMENT  
ADOPTED AT THE 2011 REGULAR SESSION  
FOR SUBMISSION TO THE VOTERS  
AT THE STATE GENERAL ELECTION, NOVEMBER 2011

**SENATE JOINT RESOLUTION 8205**

BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

THAT, At the next general election to be held in this state the secretary of state shall submit to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article VI of the Constitution of the state of Washington by repealing section 1A thereof in its entirety.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of this constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.

Passed by the Senate February 22, 2011.

Passed by the House April 7, 2011.

Filed in Office of Secretary of State April 20, 2011.

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PROPOSED CONSTITUTIONAL AMENDMENT  
ADOPTED AT THE 2011 SPECIAL SESSION  
FOR SUBMISSION TO THE VOTERS  
AT THE STATE GENERAL ELECTION, NOVEMBER 2010

**SENATE JOINT RESOLUTION 8206**

BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

THAT, At the next general election to be held in this state the secretary of state shall submit to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article VII, section 12 of the Constitution of the state of Washington to read as follows:

Article VII, section 12. (a) A budget stabilization account shall be established and maintained in the state treasury.

(b)(1) By June 30th of each fiscal year, an amount equal to one percent of the general state revenues for that fiscal year shall be transferred to the budget stabilization account. Nothing in this subsection (b) shall prevent the appropriation of additional amounts to the budget stabilization account.

(2) By June 30th of the second year of each fiscal biennium, three-quarters of any extraordinary revenue growth shall be transferred to the budget stabilization account. However, no transfer of extraordinary revenue growth

**SJR 8206 PROPOSED CONSTITUTIONAL AMENDMENT, 2011 SP.S.**

under this subsection (b)(2) shall occur in a fiscal biennium following a fiscal biennium in which annual average state employment growth averaged less than one percent per fiscal year. "Extraordinary revenue growth" means the amount by which the growth in general state revenues for that fiscal biennium exceeds by one-third the average biennial percentage growth in general state revenues over the prior five fiscal biennia. In making this determination, the comparability of data shall be maintained by adjusting historical general state revenues to reflect statutory changes to the dedication of state revenues. The transfer under this subsection shall be made only to the extent that it exceeds the total transfers under (1) of this subsection for that fiscal biennium.

(c) Each fiscal quarter, the state economic and revenue forecast council appointed and authorized as provided by statute, or successor entity, shall estimate state employment growth for the current and next two fiscal years.

(d) Moneys may be withdrawn and appropriated from the budget stabilization account as follows:

(i) If the governor declares a state of emergency resulting from a catastrophic event that necessitates government action to protect life or public safety, then for that fiscal year moneys may be withdrawn and appropriated from the budget stabilization account, via separate legislation setting forth the nature of the emergency and containing an appropriation limited to the above-authorized purposes as contained in the declaration, by a favorable vote of a majority of the members elected to each house of the legislature.

(ii) If the employment growth forecast for any fiscal year is estimated to be less than one percent, then for that fiscal year moneys may be withdrawn and appropriated from the budget stabilization account by the favorable vote of a majority of the members elected to each house of the legislature.

(iii) Any amount may be withdrawn and appropriated from the budget stabilization account at any time by the favorable vote of at least three-fifths of the members of each house of the legislature.

(e) Amounts in the budget stabilization account may be invested as provided by law and retained in that account. When the balance in the budget stabilization account, including investment earnings, equals more than ten percent of the estimated general state revenues in that fiscal year, the legislature by the favorable vote of a majority of the members elected to each house of the legislature may withdraw and appropriate the balance to the extent that the balance exceeds ten percent of the estimated general state revenues. Appropriations under this subsection (e) may be made solely for deposit to the education construction fund.

(f) As used in this section, "general state revenues" has the meaning set forth in Article VIII, section 1 of the Constitution. Forecasts and estimates shall be made by the state economic and revenue forecast council appointed and authorized as provided by statute, or successor entity.

(g) The legislature shall enact appropriate laws to carry out the purposes of this section.

**PROPOSED CONSTITUTIONAL AMENDMENT, 2011 SP.S. SJR 8206**

(h) This section takes effect July 1, 2008.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of this constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.

Passed by the Senate May 22, 2011.

Passed by the House May 21, 2011.

Filed in Office of Secretary of State May 26, 2011.

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**BILL NO. TO CHAPTER NO. OF 2011 STATUTES**

Number	Chapter Number Laws of 2011		Number	Chapter Number Laws of 2011		
Init	1053	.....1	SSB	5167	..... 174	
Init	1107	......2	SSB	5168	..... 96	
Washington Citizens' Commission on Salaries for Elected Officials		.....380	SB	5170	..... 43	
			2ESSB	5171	..... 349	
			SB	5172	..... 78	
			SB	5174	..... 44	
			SSB	5181	..... 46	E1
			E2SSB	5182	..... 11	E1 PV
			SSB	5184	..... 45	
			ESSB	5186	..... 276	
			SSB	5187	..... 302	
			SSB	5192	..... 277	
			SSB	5195	..... 46	
			SSB	5203	..... 337	
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			SB	5213	..... 47	
			SB	5224	..... 48	
			SSB	5232	..... 303	
			SSB	5239	..... 278	
			SB	5241	..... 97	
			ESB	5242	..... 49	
			ESSB	5253	..... 318	
			SSB	5271	..... 247	
			SB	5278	..... 175	
			SB	5289	..... 26	E1
			SB	5295	..... 50	
			SSB	5300	..... 99	
			SB	5304	..... 304	
			ESSB	5307	..... 32	
			SSB	5326	..... 372	
			SSB	5337	..... 51	
			SSB	5350	..... 279	
			SSB	5352	..... 100	
			SSB	5359	..... 101	
			SSB	5364	..... 102	
			SB	5367	..... 176	
			ESSB	5371	..... 315	
			SSB	5374	..... 103	
			SB	5375	..... 52	
			SSB	5385	..... 339	
			SSB	5386	..... 104	
			SB	5388	..... 53	
			SB	5389	..... 177	
			SSB	5392	..... 280	
			SSB	5394	..... 316	
			SB	5395	..... 105	
			SSB	5423	..... 106	
			2SSB	5427	..... 340	
			SSB	5428	..... 107	

“PV” Denotes partial veto by Governor [ 4285 ]

“E1” Denotes 2011 special session



**BILL NO. TO CHAPTER NO. OF 2011 STATUTES**

Number	Chapter Number Laws of 2011		Number	Chapter Number Laws of 2011		
SHB	1048	.60	SHB	1218	151	
SHB	1051	.327	ESHB	1220	312	
HB	1052	.328	EHB	1223	130	
SHB	1053	.329	2ESHB	1224	19 E1	
ESHB	1055	.15	HB	1225	152	
SHB	1061	.256	HB	1227	66	
HB	1069	.16	HB	1229	227	
ESHB	1071	.257	SHB	1237	350	
HB	1074	.124	HB	1239	131	
SHB	1084	.355	SHB	1243	67	
ESHB	1086	.5	SHB	1247	19	
2ESHB	1087	.50	E1 PV	EHB	1248	2 E1
SHB	1089	.356	PV	SHB	1254	187
EHB	1091	.4		SHB	1257	188 PV
SHB	1103	.368		HB	1263	68
SHB	1105	.61		SHB	1266	132
HB	1106	.184		E2SHB	1267	283
SHB	1127	.222		ESHB	1277	3 E1
2SHB	1128	.330		HB	1290	251
HB	1129	.17		SHB	1294	20
HB	1131	.17	E1	ESHB	1295	331
2SHB	1132	.18	E1	HB	1298	21
SHB	1133	.223		HB	1303	69
SHB	1135	.224		SHB	1304	70
SHB	1136	.225		HB	1306	153
SHB	1145	.164		ESHB	1309	189
SHB	1148	.147		ESHB	1311	313
HB	1150	.18		SHB	1312	284
2SHB	1153	.125		SHB	1315	228
2SHB	1163	.185		SHB	1328	332
SHB	1169	.126		SHB	1329	229
SHB	1170	.148		ESHB	1332	258
EHB	1171	.127		HB	1334	282
SHB	1172	.62		HB	1340	133
ESHB	1175	.367	PV	HB	1345	22
EHB	1177	.219		ESHB	1346	20 E1
HB	1178	.149		HB	1347	23
HB	1179	.63		HB	1353	71
HB	1181	.41		ESHB	1354	4 E1
HB	1182	.165		EHB	1357	24
ESHB	1183	.150		HB	1358	230
E2SHB	1186	.122		2SHB	1362	58
SHB	1188	.166		ESHB	1367	190
HB	1190	.128		E2SHB	1371	21 E1
HB	1191	.129		EHB	1382	369
ESHB	1202	.186		SHB	1384	231
E2SHB	1206	.64	PV	HB	1391	72
SHB	1211	.226		SHB	1402	134
HB	1215	.65		2SHB	1405	191

“PV” Denotes partial veto by Governor [ 4287 ]

“E1” Denotes 2011 special session

**BILL NO. TO CHAPTER NO. OF 2011 STATUTES**

Number	Chapter Number Laws of 2011		Number	Chapter Number Laws of 2011		
ESHB	1406	.....215	PV	SHB	1567..... 234	
HB	1407	.....285		SHB	1570..... 261	
EHB	1409	.....259		SHB	1571..... 28	
ESHB	1410	.....22	E1	ESHB	1572..... 29	
HB	1412	.....25		SHB	1575..... 76	
HB	1413	.....154		HB	1582..... 207	
HB	1418	.....351		SHB	1585..... 79	
HB	1419	.....253		HB	1586..... 208	
ESHB	1421	.....216		HB	1594..... 262	
SHB	1422	.....217		SHB	1595..... 138	
HB	1424	.....26		SHB	1596..... 139	
HB	1425	.....155		E2SHB	1599..... 288	PV
SHB	1431	.....192		SHB	1600..... 209	
HB	1432	.....144		SHB	1614..... 143	
SHB	1438	.....135		HB	1618..... 30	
ESHB	1449	.....23	E1	HB	1625..... 80	
SHB	1453	.....194		E2SHB	1634..... 263	PV
HB	1454	.....232		ESHB	1635..... 370	
HB	1455	.....193		ESHB	1636..... 264	
HB	1465	.....195		HB	1640..... 235	
SHB	1467	.....196		HB	1649..... 9	
HB	1473	.....197		SHB	1663..... 198	PV
HB	1477	.....136		SHB	1691..... 265	
ESHB	1478	.....353		HB	1694..... 31	
HB	1479	.....156		SHB	1697..... 160	
SHB	1483	.....233		HB	1698..... 266	
SHB	1485	.....199		EHB	1703..... 140	
HB	1488	.....27		HB	1709..... 81	
ESHB	1489	.....73	PV	SHB	1710..... 267	
ESHB	1492	.....74		ESHB	1716..... 289	
SHB	1493	.....157		SHB	1718..... 236	
ESHB	1494	.....357		SHB	1719..... 82	
SHB	1495	.....98		ESHB	1721..... 268	
ESHB	1497	.....48	E1 PV	ESHB	1725..... 290	
SHB	1502	.....158		HB	1726..... 291	
SHB	1506	.....200		SHB	1728..... 237	
ESHB	1509	.....218	PV	EHB	1730..... 210	
EHB	1517	.....159		ESHB	1731..... 141	
2SHB	1519	.....75		2E2SHB	1738..... 15	E1
HB	1520	.....201		SHB	1761..... 211	
HB	1521	.....202		HB	1770..... 358	PV
SHB	1524	.....203		ESHB	1774..... 292	
SHB	1538	.....204	PV	E2SHB	1776..... 359	
HB	1544	.....205		SHB	1783..... 212	
E2SHB	1546	.....260		E2SHB	1789..... 293	
ESHB	1547	.....206	PV	ESHB	1790..... 269	
ESHB	1548	.....31	E1	SHB	1793..... 333	
SHB	1560	.....287		HB	1794..... 238	
SHB	1565	.....137		E2SHB	1795..... 10	E1 PV

“PV” Denotes partial veto by Governor [ 4288 ]

“E1” Denotes 2011 special session



**BILL NO. TO CHAPTER NO. OF 2011 STATUTES**

Number	Chapter Number Laws of 2011		Number	Chapter Number Laws of 2011	
2SHB	1803	.83	SHB	1933	243
E2SHB	1808	.77	HB	1937	85
SHB	1811	.239	HB	1939	86
SHB	1822	.146	HB	1953	354
ESHB	1826	.84	E2SHB	1965	32 E1
SHB	1829	.270	SHB	1966	142
ESHB	1846	.8	ESHB	1967	371 PV
SHB	1854	.271	EHB	1969	275
SHB	1858	.240	ESHB	1981	47 E1
SHB	1861	.161	EHB	2003	33 E1
ESHB	1864	.162	SHB	2017	298
HB	1867	.213	HB	2019	334
SHB	1874	.241	ESHB	2020	49 E1
ESHB	1886	.360	SHB	2021	362
SHB	1897	.272	ESHB	2065	34 E1
SHB	1899	.273	EHB	2069	35 E1
ESHB	1902	.163	HB	2070	5 E1
2SHB	1903	.295	ESHB	2082	36 E1
2SHB	1909	.274	ESHB	2088	13 E1
HB	1916	.286	ESHB	2115	6 E1
ESHB	1922	.242	SHB	2119	24 E1
SHB	1923	.294	EHB	2123	37 E1



**RCW SECTIONS AFFECTED BY 2011 STATUTES**

LEGEND				RCW	CH.	SEC.
ADD	=	Add a new section		2.24.020	AMD	336 38
AMD	=	Amend existing law		2.28	ADD	293 10
DECD	=	Decodify existing law		2.28.030	AMD	336 39
RECD	=	Recodify existing law		2.28.060	AMD	336 40
REEN	=	Reenact existing law		2.28.090	AMD	336 41
REMD	=	Reenact and amend		2.28.100	AMD	336 42
REP	=	Repeal existing law		2.28.120	AMD	336 43
				2.28.160	AMD	336 44
				2.28.180	AMD	236 1
				2.28.190	AMD	293 11
1.08	ADD	156	3	2.32.050	AMD	336 45
1.08.007	AMD	336	1	2.32.090	AMD	336 46
1.08.015	AMD	74	801	2.32.110	AMD	336 47
1.08.016	AMD	336	2	2.32.130	AMD	336 48
1.08.026	AMD	336	3	2.32.140	AMD	336 49
1.08.028	AMD	336	4	2.32.160	AMD	336 50
1.08.033	AMD	336	5	2.32.200	AMD	336 51
1.08.037	AMD	336	6	2.32.210	AMD	336 52
1.08.039	AMD	43 E1	301	2.32.220	AMD	336 53
1.08.070	AMD	156	2	2.32.240	AMD	336 54
1.12.080	AMD	9	2	2.32.260	AMD	336 55
1.20.010	AMD	336	7	2.36.054	AMD	43 E1 812
2.04.010	AMD	336	8	2.40.030	AMD	336 56
2.04.031	AMD	336	9	2.44.010	AMD	336 57
2.04.150	AMD	336	10	2.44.020	AMD	336 58
2.06.050	AMD	336	11	2.44.030	AMD	336 59
2.06.090	AMD	336	12	2.44.040	AMD	336 60
2.08.080	AMD	336	13	2.44.050	AMD	336 61
2.08.115	AMD	336	14	2.44.060	AMD	336 62
2.08.140	AMD	336	15	2.48.080	AMD	336 63
2.08.150	AMD	336	16	2.48.090	AMD	336 64
2.08.170	AMD	336	17	2.48.150	AMD	336 65
2.08.190	AMD	336	18	2.48.160	AMD	336 66
2.08.200	AMD	336	19	2.48.170	AMD	336 67
2.08.220	AMD	336	20	2.48.220	AMD	336 68
2.08.240	AMD	336	21	2.50.070	AMD	336 69
2.10.070	AMD	336	22	2.50.080	AMD	336 70
2.10.090	AMD	336	23	2.56.070	AMD	336 71
2.10.110	AMD	336	24	3.20.100	AMD	336 72
2.10.120	AMD	336	25	3.30.090	AMD	336 73
2.10.130	AMD	336	26	3.34.010	REMD	43 1
2.10.140	AMD	336	27	3.50.440	AMD	96 2
2.10.220	AMD	336	28	3.58.010	AMD	336 74
2.12.010	AMD	336	29	3.62.020	AMD	44 E1 1
2.12.012	AMD	336	30	3.62.060	REMD	44 E1 4
2.12.015	AMD	336	31	3.66.100	AMD	132 3
2.12.020	AMD	336	32	4.08.150	AMD	336 75
2.12.035	AMD	336	33	4.08.160	AMD	336 76
2.12.040	AMD	336	35	4.08.170	AMD	336 77
2.12.060	AMD	336	36	4.08.180	AMD	336 78
2.12.100	AMD	336	37			

**RCW SECTIONS AFFECTED BY 2011 STATUTES**

RCW		CH.	SEC.	RCW		CH.	SEC.
4.12.030	AMD	336	79	4.68.060	AMD	336	118
4.12.070	AMD	336	80	4.72.020	AMD	336	119
4.14.020	AMD	336	81	4.84.040	AMD	336	120
4.16.070	AMD	336	82	4.84.050	AMD	336	121
4.16.080	AMD	336	83	4.84.060	AMD	336	122
4.16.180	AMD	336	84	4.84.090	AMD	336	123
4.16.200	AMD	336	85	4.84.110	AMD	336	124
4.16.240	AMD	336	86	4.84.120	AMD	336	125
4.16.250	AMD	336	87	4.84.140	AMD	336	126
4.16.350	AMD	336	88	4.84.150	AMD	336	127
4.20.010	AMD	336	89	4.84.160	AMD	336	128
4.20.020	AMD	336	90	4.84.220	AMD	336	129
4.20.050	AMD	336	91	4.84.240	AMD	336	130
4.22.050	AMD	336	92	4.84.330	AMD	336	131
4.24	ADD	82	3	4.92	ADD	82	2
4.24	ADD	200	2	4.92.006	AMD	43 E1	511
4.24	ADD	220	1	4.92.040	AMD	43 E1	512
4.24.060	AMD	336	93	4.92.130	AMD	43 E1	513
4.24.080	AMD	336	94	4.92.150	AMD	43 E1	514
4.24.115	AMD	336	95	4.92.160	AMD	43 E1	515
4.24.210	AMD	53	1	4.92.210	AMD	43 E1	516
4.24.210	AMD	171	2	4.92.270	AMD	43 E1	517
4.24.210	AMD	320	11	4.92.280	AMD	43 E1	518
4.24.220	AMD	336	96	4.96.010	AMD	258	10
4.24.320	AMD	67	2	5	ADD	22	1-8
4.24.550	AMD	337	1	5.28.020	AMD	336	132
4.24.5502	DECD	40 E1	25	5.28.030	AMD	336	133
4.28.080	AMD	47	1	5.28.040	AMD	336	134
4.28.100	AMD	336	97	5.28.050	AMD	336	135
4.28.110	AMD	336	98	5.40.020	AMD	336	136
4.28.140	AMD	336	99	5.40.040	AMD	336	137
4.28.185	AMD	336	100	5.48.060	AMD	336	138
4.28.200	AMD	336	101	5.52.010	AMD	336	139
4.28.210	AMD	336	102	5.52.020	AMD	336	140
4.28.325	AMD	336	103	5.56.010	AMD	336	141
4.32.150	AMD	336	104	5.56.050	AMD	336	142
4.36.080	AMD	336	105	5.56.060	AMD	336	143
4.36.130	AMD	336	106	5.56.090	AMD	336	144
4.36.140	AMD	336	107	6.15.010	AMD	162	2
4.36.210	AMD	336	108	6.15.020	AMD	162	3
4.56.060	AMD	336	109	6.23.040	AMD	336	145
4.56.120	AMD	336	110	6.23.110	AMD	336	146
4.56.190	AMD	106	4	6.25.030	AMD	336	147
4.60.010	AMD	336	111	6.25.040	AMD	336	148
4.60.020	AMD	336	112	6.27.140	AMD	162	5
4.60.060	AMD	336	113	6.27.140	AMD	162	6
4.68.020	AMD	336	114	6.32.030	AMD	336	149
4.68.030	AMD	336	115	6.32.040	AMD	336	150
4.68.040	AMD	336	116	6.32.050	AMD	336	151
4.68.050	AMD	336	117	6.32.060	AMD	336	152

**RCW SECTIONS AFFECTED BY 2011 STATUTES**

RCW	CH.	SEC.	RCW	CH.	SEC.
6.32.070	AMD	336	153	7.40.160	AMD 336 201
6.32.080	AMD	336	154	7.40.170	AMD 336 202
6.32.090	AMD	336	155	7.42.020	AMD 336 203
6.32.110	AMD	336	156	7.42.060	AMD 336 204
6.32.140	AMD	336	157	7.44.010	AMD 336 205
6.32.160	AMD	336	158	7.44.020	AMD 336 206
6.32.170	AMD	336	159	7.44.021	AMD 336 207
6.32.180	AMD	336	160	7.44.030	AMD 336 208
6.32.190	AMD	336	161	7.44.031	AMD 336 209
6.32.200	AMD	336	162	7.48.030	AMD 336 210
6.36.160	AMD	336	163	7.48.040	AMD 336 211
7.06.050	AMD	336	164	7.48.058	AMD 336 212
7.16.180	AMD	336	165	7.48.076	AMD 336 213
7.16.210	AMD	336	166	7.48.078	AMD 336 214
7.16.260	AMD	336	167	7.48.085	AMD 336 215
7.16.310	AMD	336	168	7.48.100	AMD 336 216
7.21.040	AMD	96	3	7.48.110	AMD 336 217
7.25.020	AMD	336	169	7.48.210	AMD 336 218
7.28	ADD	255	1	7.48.230	AMD 336 219
7.28.010	AMD	336	170	7.48.270	AMD 336 220
7.28.110	AMD	336	171	7.52.030	AMD 336 221
7.28.120	AMD	336	172	7.52.060	AMD 336 222
7.28.130	AMD	336	173	7.52.120	AMD 336 223
7.28.140	AMD	336	174	7.52.160	AMD 336 224
7.28.150	AMD	336	175	7.52.180	AMD 336 225
7.28.160	AMD	336	176	7.52.190	AMD 336 226
7.28.180	AMD	336	177	7.52.200	AMD 336 227
7.28.210	AMD	336	178	7.52.290	AMD 336 228
7.28.230	AMD	336	179	7.52.390	AMD 336 229
7.28.240	AMD	336	180	7.52.410	AMD 336 230
7.28.250	AMD	336	181	7.52.430	AMD 336 231
7.28.260	AMD	336	182	7.52.440	AMD 336 232
7.28.270	AMD	336	183	7.52.450	AMD 336 233
7.28.280	AMD	336	184	7.52.460	AMD 336 234
7.36.010	AMD	336	185	7.52.470	AMD 336 235
7.36.030	AMD	336	186	7.56.010	AMD 336 236
7.36.050	AMD	336	187	7.56.020	AMD 336 237
7.36.060	AMD	336	188	7.56.040	AMD 336 238
7.36.070	AMD	336	189	7.56.060	AMD 336 239
7.36.080	AMD	336	190	7.56.070	AMD 336 240
7.36.090	AMD	336	191	7.56.090	AMD 336 241
7.36.100	AMD	336	192	7.56.100	AMD 336 242
7.36.190	AMD	336	193	7.56.130	AMD 336 243
7.40.020	AMD	336	194	7.56.140	AMD 336 244
7.40.090	AMD	336	195	7.56.150	AMD 336 245
7.40.100	AMD	336	196	7.60.025	AMD 34 1
7.40.110	AMD	336	197	7.60.025	AMD 214 27
7.40.120	AMD	336	198	7.60.055	AMD 34 2
7.40.130	AMD	336	199	7.60.090	AMD 34 3
7.40.150	AMD	336	200	7.60.110	AMD 34 4

**RCW SECTIONS AFFECTED BY 2011 STATUTES**

RCW		CH.	SEC.	RCW		CH.	SEC.
7.60.130	AMD	34	5	8.12.500	AMD	336	271
7.60.190	AMD	34	6	8.16.020	AMD	336	272
7.60.200	AMD	34	7	8.16.060	AMD	336	273
7.60.230	AMD	34	8	8.16.110	AMD	336	274
7.60.260	AMD	34	9	8.16.130	AMD	336	275
7.68	ADD	346	201-205	8.16.150	AMD	336	276
			302-307	8.20.010	AMD	336	277
			403-407	8.20.110	AMD	336	278
			504-508	8.20.120	AMD	336	279
			601,702	8.26.020	AMD	336	280
7.68.020	AMD	346	101	8.26.085	AMD	336	281
7.68.030	AMD	346	206	8.26.180	AMD	336	282
7.68.035	AMD	171	3	8.26.190	AMD	336	283
7.68.035	AMD	336	246	8.28.010	AMD	336	284
7.68.050	AMD	336	247	9.01.110	AMD	336	285
7.68.050	AMD	346	704	9.03.020	AMD	336	286
7.68.060	AMD	346	301	9.03.040	AMD	336	287
7.68.070	REMD	346	401	9.04.080	AMD	336	288
7.68.075	AMD	346	207	9.16.010	AMD	96	4
7.68.080	AMD	15 E1	69	9.16.020	AMD	96	5
7.68.080	AMD	346	501	9.16.060	AMD	336	289
7.68.085	AMD	346	502	9.16.100	AMD	336	290
7.68.100	REP	346	801	9.16.110	AMD	336	291
7.68.125	AMD	346	701	9.16.120	AMD	336	292
7.68.130	AMD	346	703	9.16.130	AMD	336	293
7.68.200	AMD	336	248	9.16.140	AMD	336	294
7.68.240	AMD	336	249	9.18.080	AMD	336	295
7.70.030	AMD	336	250	9.38.010	AMD	336	296
7.70.040	AMD	336	251	9.41	ADD	221	3
7.70.050	AMD	336	252	9.41.040	AMD	193	1
7.84	ADD	320	13	9.41.047	AMD	193	2
7.84.030	AMD	320	14	9.41.060	AMD	221	1
8.04.090	AMD	336	253	9.41.070	REMD	294	1
8.04.094	AMD	336	254	9.41.250	AMD	13	1
8.04.140	AMD	336	255	9.41.300	AMD	221	2
8.04.150	AMD	336	256	9.44.080	AMD	336	297
8.04.170	AMD	336	257	9.45.060	AMD	336	298
8.08.060	AMD	336	258	9.45.070	AMD	96	6
8.08.080	AMD	336	259	9.45.080	AMD	336	299
8.12.120	AMD	336	260	9.45.090	AMD	336	300
8.12.200	AMD	336	261	9.45.100	AMD	336	301
8.12.260	AMD	336	262	9.46.0356	AMD	303	2
8.12.270	AMD	336	263	9.46.050	AMD	336	302
8.12.360	AMD	336	264	9.46.130	AMD	336	303
8.12.370	AMD	336	265	9.46.198	AMD	96	7
8.12.380	AMD	336	266	9.46.200	AMD	336	304
8.12.430	AMD	336	267	9.46.250	AMD	336	305
8.12.440	AMD	336	268	9.46.295	AMD	134	1
8.12.450	AMD	336	269	9.46.410	AMD	42 E1	19
8.12.490	AMD	336	270	9.47.100	AMD	336	306

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RCW		CH.	SEC.	RCW		CH.	SEC.
9.47A.040	AMD	336	307	9.94A.760	AMD	106	3
9.51.020	AMD	336	308	9.94A.7606	AMD	106	5
9.51.040	AMD	336	309	9.94A.7607	AMD	106	6
9.51.050	AMD	336	310	9.94A.7608	AMD	106	7
9.51.060	AMD	336	311	9.94A.7609	AMD	106	8
9.54.130	AMD	336	312	9.94A.780	AMD	40 E1	10
9.55.020	AMD	336	313	9.94A.850	REP	40 E1	39
9.61.190	AMD	336	314	9.94A.855	REP	40 E1	39
9.61.200	AMD	336	315	9.94A.860	AMD	40 E1	36
9.61.240	AMD	336	316	9.94A.863	REP	40 E1	39
9.62.020	AMD	336	317	9.94A.8671	REP	40 E1	39
9.68.060	AMD	96	8	9.94A.8672	REP	40 E1	39
9.68.070	AMD	336	318	9.94A.8673	AMD	40 E1	37
9.68.080	AMD	336	319	9.94A.8674	REP	40 E1	39
9.68.090	AMD	336	320	9.94A.8675	REP	40 E1	39
9.68.110	AMD	336	321	9.94A.8676	REP	40 E1	39
9.68.130	AMD	336	322	9.94A.8677	REP	40 E1	39
9.68A.110	REMD	241	4	9.94A.8678	REP	40 E1	39
9.73.010	AMD	336	323	9.94A.880	AMD	336	335
9.73.060	AMD	336	324	9.95.003	AMD	40 E1	15
9.73.090	AMD	336	325	9.95.003	AMD	336	336
9.73.130	AMD	336	326	9.95.005	AMD	40 E1	17
9.73.140	AMD	336	327	9.95.007	AMD	40 E1	18
9.73.210	AMD	241	3	9.95.007	AMD	336	337
9.73.230	AMD	241	2	9.95.009	AMD	40 E1	41
9.81.090	AMD	336	328	9.95.011	AMD	40 E1	40
9.82.030	AMD	96	9	9.95.030	AMD	336	338
9.91.010	AMD	336	329	9.95.062	AMD	111	3
9.92.020	AMD	96	10	9.95.063	AMD	336	339
9.92.060	AMD	40 E1	5	9.95.140	AMD	40 E1	19
9.92.062	AMD	336	330	9.95.200	AMD	336	340
9.92.080	AMD	336	331	9.95.204	REMD	40 E1	6
9.92.110	AMD	336	332	9.95.210	AMD	40 E1	7
9.92.120	AMD	336	333	9.95.214	AMD	40 E1	11
9.94A	ADD	40 E1	3,26	9.95.280	AMD	40 E1	20
9.94A.010	AMD	336	334	9.95.300	AMD	40 E1	21
9.94A.030	REMD	40 E1	8	9.95.330	AMD	336	341
9.94A.030	REMD	87	2	9.96.010	AMD	336	342
9.94A.171	AMD	40 E1	1	9.96.020	AMD	336	343
9.94A.190	AMD	96	11	9.96.030	AMD	336	344
9.94A.480	AMD	40 E1	27	9.96.050	AMD	40 E1	22
9.94A.501	REMD	40 E1	2	9.98.010	AMD	336	345
9.94A.525	AMD	166	3	9.100.070	AMD	336	346
9.94A.533	AMD	293	9	9A.04.050	AMD	336	347
9.94A.535	REMD	87	1	9A.04.070	AMD	336	348
9.94A.650	AMD	40 E1	9	9A.04.100	AMD	336	349
9.94A.685	AMD	206	1	9A.04.110	AMD	166	2
9.94A.729	AMD	40 E1	4	9A.04.110	AMD	336	350
9.94A.74501	AMD	40 E1	31	9A.08.020	AMD	336	351
9.94A.74504	AMD	40 E1	14	9A.08.030	AMD	336	352

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RCW		CH.	SEC.	RCW		CH.	SEC.
9A.12.010	AMD	336	353	9A.60.050	AMD	336	384
9A.16.050	AMD	336	354	9A.64.010	AMD	336	385
9A.16.090	AMD	336	355	9A.68.010	AMD	336	386
9A.20.020	AMD	96	12	9A.68.020	AMD	336	387
9A.20.021	REMD	96	13	9A.68.030	AMD	336	388
9A.28.030	AMD	336	356	9A.68.040	AMD	336	389
9A.32.060	AMD	336	357	9A.68.050	AMD	336	390
9A.32.070	AMD	336	358	9A.72.020	AMD	336	391
9A.36.021	AMD	166	1	9A.72.040	AMD	336	392
9A.36.031	AMD	238	1	9A.72.060	AMD	336	393
9A.36.031	AMD	336	359	9A.72.080	AMD	336	394
9A.36.060	AMD	336	360	9A.72.110	AMD	165	2
9A.36.070	AMD	336	361	9A.72.120	AMD	165	3
9A.36.090	AMD	336	362	9A.72.130	AMD	336	395
9A.40.010	AMD	111	2	9A.72.140	AMD	336	396
9A.40.010	AMD	336	363	9A.72.150	AMD	336	397
9A.40.020	AMD	336	364	9A.76.030	AMD	336	398
9A.40.040	AMD	336	365	9A.76.040	AMD	336	399
9A.40.100	AMD	111	1	9A.76.050	AMD	336	400
9A.44	ADD	337	4	9A.76.090	AMD	336	401
9A.44.128	AMD	337	2	9A.76.100	AMD	336	402
9A.44.130	REMD	337	3	9A.76.130	AMD	336	403
9A.44.132	AMD	337	5	9A.76.140	AMD	336	404
9A.44.141	AMD	337	6	9A.76.150	AMD	336	405
9A.44.142	AMD	337	7	9A.76.160	AMD	336	406
9A.44.143	AMD	338	1	9A.76.180	AMD	336	407
9A.46.020	AMD	64	1	9A.80.010	AMD	336	408
9A.46.040	AMD	307	4	9A.83.040	AMD	336	409
9A.46.080	AMD	307	5	9A.84.020	AMD	336	410
9A.48.030	AMD	336	366	9A.84.040	AMD	336	411
9A.48.040	AMD	336	367	9A.88.060	AMD	336	412
9A.48.050	AMD	336	368	9A.88.080	AMD	336	413
9A.52.010	AMD	336	369	9A.88.090	AMD	336	414
9A.52.025	AMD	40 E1	38	10.01	ADD	293	15
9A.52.030	AMD	336	370	10.05.140	AMD	293	8
9A.52.060	AMD	336	371	10.14	ADD	307	6
9A.52.070	AMD	336	372	10.14.020	AMD	307	2
9A.52.080	AMD	336	373	10.14.080	AMD	307	3
9A.52.090	AMD	336	374	10.14.150	AMD	307	1
9A.52.095	AMD	336	375	10.31.110	AMD	148	3
9A.52.100	AMD	336	376	10.31.110	AMD	305	7
9A.56	ADD	164	3-5	10.37.015	AMD	46	1
9A.56.010	AMD	164	2	10.64.025	AMD	111	4
9A.56.120	AMD	336	377	10.77	ADD	94	1
9A.56.180	AMD	336	378	10.77.010	AMD	89	4
9A.56.190	AMD	336	379	10.77.165	AMD	305	6
9A.56.210	AMD	336	380	10.82.090	AMD	106	2
9A.60.010	AMD	336	381	10.88.300	AMD	96	14
9A.60.020	AMD	336	382	10.92.020	AMD	43 E1	519
9A.60.030	AMD	336	383	10.98.140	AMD	40 E1	32



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RCW		CH.	SEC.	RCW		CH.	SEC.
10.98.160	AMD	40	E1 33	13.34.105	AMD	309	26
10.101.010	AMD	36	E1 12	13.34.130	AMD	292	1
11	ADD	327	35-38	13.34.130	AMD	309	27
11.02.005	AMD	327	1	13.34.132	AMD	309	28
11.28.237	AMD	327	2	13.34.136	REMD	309	29
11.68.090	AMD	327	3	13.34.145	REMD	330	6
11.86.031	AMD	113	3	13.34.190	AMD	309	30
11.88	ADD	329	6	13.34.215	AMD	292	2
11.88.020	AMD	329	1	13.34.250	REP	309	36
11.88.030	AMD	329	2	13.34.260	AMD	89	5
11.88.095	AMD	329	4	13.40	ADD	338	3
11.88.125	AMD	329	5	13.40.005	REP	40 E1	39
11.88.140	AMD	329	7	13.40.160	AMD	338	2
11.92.040	AMD	329	9	13.40.462	AMD	32 E1	4
11.92.043	AMD	329	3	13.50.010	AMD	40 E1	30
11.92.050	AMD	329	10	13.50.050	AMD	333	4
11.92.053	AMD	329	8	13.50.050	AMD	338	4
11.94.050	AMD	327	4	14.20.020	AMD	96	15
11.96A	ADD	327	10,11	15.24.085	REP	43 E1	306
11.96A.030	AMD	327	5	15.24.900	AMD	103	27
11.96A.050	AMD	327	6	15.26.120	AMD	103	1
11.96A.070	AMD	327	7	15.28.015	AMD	103	28
11.96A.110	AMD	327	8	15.30.200	AMD	103	2
11.96A.120	AMD	327	9	15.44.015	AMD	103	29
11.97	ADD	327	13	15.48.280	AMD	103	4
11.97.010	AMD	327	12	15.54	ADD	73	2
11.98	ADD	327	15-20	15.54.270	AMD	73	1
			22	15.54.470	AMD	73	3
			27-33	15.58.030	AMD	103	35
11.98.009	AMD	327	14	15.58.380	REP	103	44
11.98.039	AMD	327	21	15.60.065	AMD	103	5
11.98.045	AMD	327	23	15.60.085	AMD	103	6
11.98.051	AMD	327	24	15.60.095	AMD	103	7
11.98.055	AMD	327	25	15.62.190	REP	43 E1	306
11.98.070	AMD	327	26	15.65.020	REMD	103	23
11.100.090	AMD	327	34	15.65.033	AMD	103	24
11.104A.290	AMD	33	1	15.65.243	AMD	103	18
11.108.090	AMD	113	2	15.65.280	AMD	60	1
12.40.020	AMD	44	E1 2	15.65.280	AMD	103	14
13	ADD	309	1-20	15.65.375	AMD	103	8
13.04.011	AMD	330	2	15.65.510	AMD	103	19
13.32A.082	AMD	151	1	15.65.550	AMD	103	20
13.32A.152	AMD	309	21	15.66.010	AMD	103	25
13.34	ADD	330	7	15.66.017	AMD	103	26
13.34.030	REMD	36	E1 13	15.66.113	AMD	103	21
13.34.030	REMD	309	22	15.66.140	AMD	60	2
13.34.030	REMD	330	3	15.66.140	AMD	103	15
13.34.040	AMD	309	23	15.66.150	AMD	336	415
13.34.065	REMD	309	24	15.66.245	AMD	103	9
13.34.070	AMD	309	25	15.76.115	AMD	50 E1	926

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RCW		CH.	SEC.	RCW		CH.	SEC.
15.76.115	AMD	103	10	16.60.060	AMD	336	428
15.80.420	AMD	336	416	16.60.075	AMD	336	429
15.80.640	AMD	96	16	16.60.080	AMD	336	430
15.88.025	AMD	103	30	16.60.085	AMD	336	431
15.89.020	AMD	54	1	16.60.090	AMD	336	432
15.89.025	AMD	103	31	16.65.130	AMD	336	433
15.89.040	AMD	54	2	16.65.330	AMD	336	434
15.89.050	AMD	54	3	16.65.410	AMD	336	435
15.89.070	AMD	60	3	16.67.035	AMD	103	34
15.89.070	AMD	103	16	16.67.090	AMD	336	436
15.89.100	AMD	54	4	16.67.160	AMD	336	437
15.89.110	AMD	54	5	16.67.170	REP	43 E1	306
15.92.010	AMD	103	32	16.68.010	AMD	336	438
15.92.090	AMD	21 E1	24	16.68.030	AMD	336	439
15.115.020	AMD	103	33	16.68.080	AMD	336	440
15.115.140	AMD	60	4	16.68.100	AMD	336	441
15.115.140	AMD	103	17	16.68.110	AMD	336	442
15.115.270	AMD	336	417	16.68.130	AMD	336	443
16.04.020	AMD	336	418	16.68.140	AMD	336	444
16.24.120	AMD	103	11	16.70.030	AMD	336	445
16.24.120	AMD	336	419	17.04.070	AMD	336	446
16.24.180	AMD	336	420	17.04.150	AMD	336	447
16.36	ADD	204	2,3	17.04.190	AMD	336	448
16.36.005	REMD	204	6	17.04.200	AMD	336	449
16.36.025	AMD	204	1	17.04.210	AMD	336	450
16.36.040	AMD	204	8	17.04.230	AMD	336	451
16.36.050	AMD	204	9	17.04.280	AMD	336	452
16.36.060	AMD	204	10	17.06.040	AMD	336	453
16.36.113	AMD	204	11	17.06.050	AMD	336	454
16.36.140	AMD	204	12	17.06.060	AMD	336	455
16.50.110	AMD	336	421	17.10.080	AMD	126	1
16.50.120	AMD	336	422	17.10.090	AMD	126	2
16.50.130	AMD	336	423	17.10.280	AMD	336	456
16.52	ADD	67	1	17.10.290	AMD	336	457
16.52.011	AMD	67	3	17.12.060	AMD	336	458
16.52.011	AMD	172	1	17.12.080	AMD	336	459
16.52.015	AMD	172	2	17.15.030	AMD	103	36
16.52.085	AMD	172	3	17.21.100	AMD	103	37
16.52.110	AMD	336	424	17.21.150	AMD	103	12
16.52.200	AMD	172	4	17.21.170	AMD	336	460
16.52.207	AMD	172	5	17.24.210	AMD	103	43
16.54.020	AMD	336	425	17.24.210	AMD	336	461
16.57	ADD	204	14	17.26.020	AMD	103	13
16.57.015	AMD	21 E1	51	17.28.030	AMD	336	462
16.57.160	AMD	204	13	17.28.070	AMD	336	463
16.57.353	AMD	21 E1	52	17.28.090	AMD	336	464
16.57.360	AMD	204	15	17.28.120	AMD	336	465
16.58.100	AMD	204	4	17.28.130	AMD	336	466
16.60.020	AMD	336	426	17.28.250	AMD	336	467
16.60.050	AMD	336	427	17.28.258	AMD	336	468

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RCW	CH.	SEC.	RCW	CH.	SEC.
17.28.310	AMD	336	469	18.43.070	AMD 336 482
17.28.430	AMD	336	470	18.43.120	AMD 336 483
17.34.040	AMD	336	471	18.44	ADD 93 2
17.34.050	AMD	336	472	18.44.011	REMD 21 E1 45
17.34.060	AMD	336	473	18.44.195	AMD 21 E1 48
18	ADD	89	1-3	18.44.221	AMD 21 E1 46
18	ADD	357	1-18	18.44.251	AMD 21 E1 47
18.08	ADD	351	1	18.44.500	AMD 21 E1 50
18.11	ADD	351	2	18.44.500	AMD 336 484
18.16	ADD	351	3	18.44.510	AMD 21 E1 49
18.19.020	AMD	86	1	18.44.901	AMD 336 485
18.20	ADD	366	4	18.51	ADD 228 1
18.20.020	AMD	366	2	18.51.050	AMD 3 E1 401
18.20.030	AMD	366	3	18.51.060	AMD 336 486
18.20.050	AMD	3 E1	402	18.51.070	AMD 151 3
18.20.125	AMD	31 E1	15	18.51.200	AMD 336 487
18.20.180	AMD	3 E1	303	18.52.030	AMD 366 5
18.25.210	AMD	60	5	18.52.040	AMD 336 488
18.27.060	AMD	301	1	18.54.030	AMD 336 489
18.27.080	AMD	336	474	18.54.040	AMD 336 490
18.27.100	AMD	171	4	18.54.050	AMD 336 491
18.27.100	AMD	336	475	18.55	ADD 32 3
18.27.230	AMD	301	2	18.57A	ADD 32 4
18.27.250	AMD	15	1	18.59	ADD 88 3
18.27.270	AMD	15	2	18.59.020	AMD 88 1
18.27.370	AMD	15	3	18.59.120	AMD 336 492
18.27.370	AMD	301	3	18.59.160	AMD 88 2
18.28.210	AMD	336	476	18.64.001	AMD 336 493
18.30	ADD	32	1	18.64.050	AMD 336 494
18.32.020	AMD	336	477	18.64.255	AMD 336 495
18.32.735	AMD	336	478	18.64A	ADD 32 5
18.32.765	AMD	60	6	18.64A.020	AMD 71 1
18.34	ADD	32	2	18.71.011	AMD 336 496
18.34.010	AMD	336	479	18.71.051	AMD 138 1
18.36A	ADD	41	1,2	18.71.080	REMD 178 1
18.36A.020	AMD	40	1	18.71.220	AMD 336 497
18.36A.020	AMD	41	3	18.71.430	AMD 60 7
18.36A.030	AMD	41	4	18.71A	ADD 32 6
18.36A.040	AMD	40	2	18.71A.020	AMD 178 2
18.36A.060	AMD	41	5	18.73	ADD 32 7
18.36A.070	REP	41	12	18.74	ADD 32 8
18.36A.080	AMD	41	6	18.74.125	AMD 336 498
18.36A.090	AMD	41	7	18.79.390	AMD 60 8
18.36A.100	AMD	41	8	18.84	ADD 32 9
18.36A.110	AMD	41	9	18.85	ADD 351 6
18.36A.120	AMD	41	10	18.88A	ADD 32 10
18.39	ADD	351	4	18.88B.020	AMD 31 E1 1
18.43	ADD	351	5	18.88B.030	AMD 31 E1 2
18.43.010	AMD	336	480	18.88B.040	AMD 31 E1 3
18.43.030	AMD	336	481	18.88B.050	AMD 31 E1 4

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RCW		CH.	SEC.	RCW		CH.	SEC.
18.89	ADD	32	11	18.280.040	AMD	21 E1	43
18.89.020	AMD	235	1	18.300	ADD	42 E1	17
18.89.040	AMD	235	2	18.300	ADD	351	16
18.92.115	AMD	336	499	19	ADD	98	1-10
18.92.150	AMD	336	500	19.02	ADD	298	12
18.96	ADD	351	7	19.02.020	AMD	298	4
18.96.040	AMD	336	501	19.02.030	AMD	298	5
18.100.070	AMD	336	502	19.02.050	AMD	298	6
18.100.140	AMD	336	503	19.02.070	AMD	298	7
18.104.020	AMD	196	1	19.02.075	AMD	298	8
18.106.030	AMD	336	504	19.02.100	AMD	298	9
18.106.080	AMD	336	505	19.02.800	AMD	298	10
18.106.100	AMD	301	4	19.02.900	AMD	298	11
18.106.110	AMD	21 E1	21	19.02.901	DECD	298	41
18.106.130	AMD	336	506	19.02.910	DECD	298	41
18.106.140	AMD	336	507	19.09	ADD	199	3,6,7,9
18.106.180	AMD	301	5				11
18.108	ADD	223	2	19.09.010	AMD	199	1
18.108.040	AMD	223	1	19.09.020	AMD	60	9
18.130	ADD	157	1	19.09.020	AMD	199	2
18.130.040	REMD	41	11	19.09.062	AMD	199	4
18.135	ADD	32	12	19.09.065	AMD	199	5
18.135.130	AMD	70	1	19.09.075	AMD	199	8
18.140	ADD	351	8	19.09.076	REP	199	29
18.140.230	AMD	21 E1	44	19.09.079	AMD	199	10
18.145	ADD	351	9	19.09.085	AMD	183	1
18.160.050	AMD	331	2	19.09.085	AMD	199	12
18.165	ADD	351	10	19.09.097	AMD	199	13
18.170	ADD	351	11	19.09.100	REMD	199	14
18.185	ADD	42 E1	18	19.09.190	REP	199	29
18.185	ADD	351	12	19.09.200	AMD	199	15
18.210	ADD	351	13	19.09.210	AMD	199	16
18.210.010	REMD	256	1	19.09.230	AMD	199	17
18.210.020	AMD	256	2	19.09.240	REP	199	29
18.210.030	AMD	256	3	19.09.271	AMD	199	18
18.210.050	AMD	256	4	19.09.275	AMD	199	19
18.210.080	AMD	256	5	19.09.276	AMD	199	20
18.210.090	REP	256	13	19.09.277	AMD	199	21
18.210.100	AMD	256	6	19.09.279	AMD	199	22
18.210.120	AMD	256	7	19.09.305	AMD	199	23
18.210.140	AMD	256	8	19.09.315	AMD	199	24
18.210.160	AMD	256	9	19.09.340	AMD	199	25
18.210.170	AMD	256	10	19.09.355	AMD	199	26
18.210.180	AMD	256	11	19.09.400	AMD	199	27
18.210.190	AMD	256	12	19.09.430	AMD	199	28
18.210.210	REP	256	13	19.09.500	REP	199	29
18.215	ADD	32	13	19.09.540	REP	199	29
18.220	ADD	351	14	19.16.140	AMD	336	509
18.260	ADD	32	14	19.16.150	AMD	336	510
18.280	ADD	351	15	19.16.160	AMD	336	511

**RCW SECTIONS AFFECTED BY 2011 STATUTES**

RCW	CH.	SEC.	RCW	CH.	SEC.
19.16.170	AMD	336	512	19.60.085	AMD 289 8
19.16.180	AMD	336	513	19.64.010	AMD 336 543
19.16.190	AMD	336	514	19.64.020	AMD 336 544
19.16.200	AMD	336	515	19.68.030	AMD 336 545
19.16.210	AMD	336	516	19.72.070	AMD 336 546
19.16.220	AMD	336	517	19.72.090	AMD 336 547
19.16.230	AMD	336	518	19.72.101	AMD 336 548
19.16.245	AMD	336	519	19.72.130	AMD 336 549
19.16.250	REMD	29 E1	2	19.72.160	AMD 336 550
19.16.250	REMD	57	1	19.77.030	AMD 336 551
19.16.250	REMD	162	1	19.77.130	AMD 336 552
19.16.260	AMD	336	521	19.80.005	AMD 298 13
19.16.270	AMD	336	522	19.80.010	AMD 298 14
19.16.280	AMD	336	523	19.80.025	AMD 298 15
19.16.290	AMD	336	524	19.80.045	AMD 298 16
19.16.300	AMD	336	525	19.80.075	AMD 298 17
19.16.340	AMD	336	526	19.80.900	AMD 298 18
19.16.430	AMD	336	527	19.83.020	AMD 336 553
19.16.470	AMD	336	528	19.83.040	AMD 336 554
19.16.500	AMD	57	2	19.84.030	AMD 336 555
19.25.020	AMD	96	17	19.85.030	AMD 249 2
19.25.030	AMD	96	18	19.85.070	AMD 249 3
19.25.040	AMD	96	19	19.86.100	AMD 336 556
19.27.070	AMD	43 E1	244	19.86.110	AMD 336 557
19.27A.140	AMD	43 E1	245	19.94.015	AMD 103 38
19.28.131	AMD	301	6	19.94.015	AMD 298 19
19.28.271	AMD	301	7	19.100	ADD 93 3
19.28.311	AMD	336	529	19.100.050	AMD 336 558
19.28.341	AMD	301	8	19.100.120	AMD 336 559
19.28.490	AMD	301	9	19.100.130	AMD 336 560
19.29.010	AMD	336	530	19.100.160	AMD 336 561
19.30.030	AMD	50 E1	927	19.100.180	AMD 336 562
19.31.020	AMD	336	531	19.100.190	AMD 336 563
19.31.080	AMD	336	532	19.100.230	AMD 336 564
19.31.090	AMD	336	533	19.100.250	AMD 336 565
19.31.170	AMD	336	534	19.105	ADD 351 17
19.31.180	AMD	336	535	19.105.490	AMD 336 566
19.31.190	AMD	336	536	19.110	ADD 93 4
19.31.210	AMD	336	537	19.112.060	AMD 96 20
19.31.220	AMD	336	538	19.116.020	AMD 171 5
19.31.240	AMD	336	539	19.118.170	AMD 171 6
19.34.231	AMD	43 E1	809	19.120.090	AMD 336 567
19.34.231	AMD	183	2	19.122	ADD 263 5,12,13
19.34.240	AMD	60	10		18-22
19.34.420	AMD	43 E1	810		25
19.36.010	AMD	336	540	19.122.010	AMD 263 1
19.48.070	AMD	336	541	19.122.020	AMD 263 2
19.52.010	AMD	336	542	19.122.027	AMD 263 3
19.60	ADD	289	3-7,9	19.122.030	AMD 263 4
19.60.010	AMD	289	2		

**RCW SECTIONS AFFECTED BY 2011 STATUTES**

RCW		CH.	SEC.	RCW		CH.	SEC.
19.122.033	AMD	263	6	20.01.340	AMD	336	585
19.122.035	AMD	263	7	20.01.350	AMD	336	586
19.122.040	AMD	263	8	20.01.390	AMD	336	587
19.122.050	AMD	263	9	20.01.440	AMD	336	588
19.122.055	AMD	263	10	20.01.475	AMD	103	40
19.122.060	REP	263	23	20.01.510	AMD	103	41
19.122.070	AMD	263	11	20.01.510	AMD	336	589
19.122.075	AMD	263	14	20.01.520	AMD	103	42
19.122.080	AMD	263	15	20.01.530	AMD	336	591
19.122.100	AMD	263	16	20.01.540	AMD	336	592
19.122.110	AMD	263	17	20.01.550	AMD	336	593
19.146	ADD	93	5	21.20	ADD	93	7
19.154	ADD	244	4,7	21.20.005	AMD	336	594
19.154.010	AMD	244	1	21.20.050	AMD	336	595
19.154.020	AMD	244	2	21.20.520	AMD	336	596
19.154.030	REP	244	10	21.30	ADD	93	8
19.154.040	REP	244	10	21.30.090	AMD	336	597
19.154.050	REP	244	10	22.09.011	AMD	336	598
19.154.060	AMD	244	3	22.09.020	AMD	336	599
19.154.070	REP	244	10	22.09.040	AMD	336	600
19.154.080	REP	244	10	22.09.045	AMD	336	601
19.154.090	AMD	244	5	22.09.050	AMD	336	602
19.154.900	AMD	244	8	22.09.055	AMD	336	603
19.154.902	REP	244	10	22.09.090	AMD	336	604
19.170.020	AMD	303	3	22.09.100	AMD	336	605
19.182.040	AMD	333	2	22.09.110	AMD	336	606
19.182.130	AMD	96	21	22.09.130	AMD	336	607
19.182.140	AMD	96	22	22.09.140	AMD	336	608
19.230	ADD	93	6	22.09.150	AMD	336	609
19.240.010	AMD	213	1	22.09.160	AMD	336	610
19.280.030	AMD	180	305	22.09.170	AMD	336	611
20.01.010	AMD	103	39	22.09.175	AMD	336	612
20.01.010	AMD	336	568	22.09.180	AMD	336	613
20.01.020	AMD	336	569	22.09.190	AMD	336	614
20.01.030	AMD	336	570	22.09.230	AMD	336	615
20.01.100	AMD	336	571	22.09.240	AMD	336	616
20.01.110	AMD	336	572	22.09.250	AMD	336	617
20.01.120	AMD	336	573	22.09.260	AMD	336	618
20.01.150	AMD	336	574	22.09.290	AMD	336	619
20.01.170	AMD	336	575	22.09.300	AMD	336	620
20.01.180	AMD	336	576	22.09.320	AMD	336	621
20.01.190	AMD	336	577	22.09.340	AMD	336	622
20.01.205	AMD	103	22	22.09.345	AMD	336	623
20.01.212	AMD	336	578	22.09.350	AMD	336	624
20.01.240	AMD	336	579	22.09.361	AMD	336	625
20.01.250	AMD	336	580	22.09.371	AMD	336	626
20.01.260	AMD	336	581	22.09.381	AMD	336	627
20.01.280	AMD	336	582	22.09.391	AMD	336	628
20.01.310	AMD	336	583	22.09.416	AMD	336	629
20.01.330	AMD	336	584	22.09.436	AMD	336	630

**RCW SECTIONS AFFECTED BY 2011 STATUTES**

RCW	CH.	SEC.	RCW	CH.	SEC.	
22.09.441	AMD	336	24.06.160	AMD	336	668
22.09.446	AMD	336	24.06.445	AMD	183	6
22.09.451	AMD	336	24.06.470	AMD	336	669
22.09.466	AMD	336	24.06.475	AMD	336	670
22.09.471	AMD	336	24.12.010	AMD	336	671
22.09.570	AMD	336	24.12.030	AMD	336	672
22.09.580	AMD	336	24.12.051	AMD	183	7
22.09.590	AMD	336	24.28.040	AMD	336	673
22.09.600	AMD	336	24.34.010	AMD	336	674
22.09.610	AMD	336	24.34.020	AMD	336	675
22.09.615	AMD	336	24.36.160	AMD	336	676
22.09.620	AMD	336	24.36.170	AMD	336	677
22.09.660	AMD	336	24.36.260	AMD	336	678
22.09.780	AMD	336	24.36.270	AMD	336	679
22.09.790	AMD	336	24.36.290	AMD	336	680
22.09.800	AMD	336	24.36.440	AMD	336	681
22.09.810	AMD	336	24.36.460	AMD	336	682
22.09.820	AMD	336	24.50.010	AMD	310	1
22.09.860	AMD	336	25.12.060	AMD	336	683
22.28.020	AMD	336	26.04.100	AMD	336	684
22.28.040	AMD	336	26.04.150	AMD	336	685
22.32.020	AMD	336	26.04.190	AMD	336	686
22.32.030	AMD	336	26.04.220	AMD	336	687
23.86.085	AMD	336	26.04.240	AMD	336	688
23B.01.500	AMD	183	26.04.250	AMD	336	689
23B.01.510	AMD	183	26.09.140	AMD	336	690
23B.02.060	AMD	328	26.09.173	REP	21	3
23B.08	ADD	328	26.09.191	AMD	89	6
23B.08.010	AMD	328	26.09.220	AMD	292	4
23B.10.030	AMD	328	26.09.270	AMD	336	691
23B.10.200	AMD	328	26.10.034	AMD	309	31
23B.11.030	AMD	328	26.10.160	AMD	89	7
23B.12.020	AMD	328	26.10.195	REP	21	3
23B.14.020	AMD	328	26.12	ADD	292	5
23B.17	ADD	42	26.12.040	AMD	336	692
24	ADD	215	26.12.175	AMD	292	6
24.03.105	AMD	336	26.12.177	AMD	292	7
24.03.115	AMD	336	26.18.210	AMD	21	1
24.03.230	AMD	336	26.19.025	AMD	21	2
24.03.350	AMD	336	26.19.071	AMD	36 E1	14
24.03.400	AMD	183	26.26	ADD	283	53
24.03.415	AMD	336	26.26.011	AMD	283	1
24.06.025	AMD	336	26.26.021	AMD	283	2
24.06.055	AMD	336	26.26.041	AMD	283	3
24.06.070	AMD	336	26.26.051	AMD	283	4
24.06.080	AMD	336	26.26.101	AMD	283	5
24.06.085	AMD	336	26.26.106	AMD	283	6
24.06.130	AMD	336	26.26.111	AMD	283	7
24.06.135	AMD	336	26.26.116	AMD	283	8
24.06.145	AMD	336	26.26.130	AMD	283	9

**RCW SECTIONS AFFECTED BY 2011 STATUTES**

RCW		CH.	SEC.	RCW		CH.	SEC.
26.26.134	AMD	336	693	26.30.020	AMD	336	698
26.26.150	AMD	283	10	26.33.040	AMD	309	32
26.26.300	AMD	283	11	26.33.070	AMD	292	3
26.26.305	AMD	283	12	26.33.240	AMD	309	33
26.26.310	AMD	283	13	26.40.080	AMD	336	699
26.26.315	AMD	283	14	26.50.130	AMD	137	2
26.26.320	AMD	283	15	26.60.090	AMD	9	1
26.26.330	AMD	283	16	27.12.080	AMD	336	700
26.26.335	AMD	283	17	27.12.160	AMD	336	701
26.26.340	AMD	283	18	27.12.180	AMD	336	702
26.26.360	AMD	283	19	27.12.210	AMD	336	703
26.26.375	AMD	283	20	27.12.240	AMD	336	704
26.26.400	AMD	283	21	27.12.370	AMD	10	78
26.26.405	AMD	283	22	27.18.030	AMD	336	705
26.26.410	AMD	283	23	27.24.020	AMD	336	706
26.26.420	AMD	283	24	27.40.034	AMD	336	707
26.26.425	AMD	283	25	27.53.030	AMD	219	1
26.26.430	AMD	283	26	27.53.070	REMD	219	2
26.26.435	AMD	283	27	28A.150	ADD	34 E1	2
26.26.445	AMD	283	28	28A.150	ADD	45	3
26.26.505	AMD	283	29	28A.150.100	AMD	34 E1	10
26.26.510	AMD	283	30	28A.150.210	AMD	280	2
26.26.525	AMD	283	31	28A.150.220	AMD	27 E1	1
26.26.530	AMD	283	32	28A.150.260	AMD	27 E1	2
26.26.535	AMD	283	33	28A.150.260	AMD	34 E1	9
26.26.540	AMD	283	34	28A.150.262	AMD	34 E1	3
26.26.545	AMD	283	35	28A.150.315	AMD	340	1
26.26.550	AMD	283	36	28A.155	ADD	45	4
26.26.555	AMD	283	37	28A.160	ADD	45	5
26.26.570	AMD	283	38	28A.160.192	AMD	27 E1	3
26.26.575	AMD	283	39	28A.165	ADD	45	6
26.26.585	AMD	283	40	28A.170	ADD	45	7
26.26.590	AMD	283	41	28A.170.080	AMD	89	8
26.26.600	AMD	283	42	28A.175	ADD	45	8
26.26.620	AMD	283	43	28A.175	ADD	288	2-8
26.26.625	AMD	283	44	28A.175.035	AMD	288	9
26.26.630	AMD	283	45	28A.180	ADD	45	9
26.26.705	AMD	283	46	28A.185	ADD	45	10
26.26.710	AMD	283	47	28A.200	ADD	45	11
26.26.715	AMD	283	48	28A.210	ADD	45	12
26.26.720	AMD	283	49	28A.210.090	AMD	299	1
26.26.725	AMD	283	50	28A.215	ADD	45	13
26.26.730	AMD	283	51	28A.220	ADD	45	14
26.26.735	AMD	283	52	28A.220.030	AMD	370	2
26.26.903	AMD	283	54	28A.225	ADD	45	15
26.26.911	AMD	283	55	28A.230	ADD	44	2
26.28.030	AMD	336	694	28A.230	ADD	45	16
26.28.040	AMD	336	695	28A.230	ADD	203	1
26.28.050	AMD	336	696	28A.230.090	REMD	203	2
26.28.070	AMD	336	697	28A.230.095	AMD	185	5



**RCW SECTIONS AFFECTED BY 2011 STATUTES**

RCW		CH.	SEC.	RCW		CH.	SEC.
28A.230.125	AMD	11 E1	130	28A.415	ADD	45	33
28A.230.130	AMD	77	2	28A.415.020	AMD	18 E1	5
28A.230.170	AMD	203	3	28A.415.023	REMD	18 E1	6
28A.235	ADD	45	17	28A.500	ADD	45	34
28A.250	ADD	45	18	28A.505	ADD	45	35
28A.250.005	AMD	34 E1	4	28A.505.220	REMD	17 E1	1
28A.250.010	AMD	34 E1	5	28A.510	ADD	45	36
28A.250.020	AMD	34 E1	6	28A.510.250	AMD	4 E1	1
28A.250.030	AMD	34 E1	7	28A.515	ADD	45	37
28A.250.050	AMD	34 E1	11	28A.520	ADD	45	38
28A.250.060	AMD	34 E1	8	28A.520.020	AMD	278	1
28A.290.010	REMD	21 E1	54	28A.525	ADD	45	39
28A.300	ADD	21 E1	53	28A.527	ADD	45	40
28A.300	ADD	32 E1	15	28A.530	ADD	45	41
28A.300	ADD	45	2,19	28A.535	ADD	45	42
28A.300	ADD	140	3	28A.540	ADD	45	43
28A.300	ADD	185	2	28A.545	ADD	45	44
28A.300	ADD	202	2	28A.600	ADD	45	45
28A.300	ADD	270	2,3	28A.600.120	AMD	11 E1	126
28A.300	ADD	288	10	28A.600.130	AMD	11 E1	127
28A.300	ADD	338	6	28A.600.140	AMD	11 E1	128
28A.300.040	AMD	43 E1	302	28A.600.150	AMD	11 E1	129
28A.300.136	AMD	21 E1	33	28A.600.285	AMD	11 E1	131
28A.300.380	AMD	27 E1	4	28A.600.310	AMD	10 E1	10
28A.300.450	AMD	262	1	28A.620	ADD	45	46
28A.300.462	AMD	262	2	28A.623	ADD	45	47
28A.305	ADD	45	20	28A.625	ADD	45	48
28A.305.130	AMD	6 E1	1	28A.630	ADD	45	49
28A.305.140	AMD	260	8	28A.630	ADD	260	2-7
28A.310	ADD	45	21	28A.630.016	AMD	27 E1	5
28A.315	ADD	45	22	28A.630.400	AMD	11 E1	132
28A.320	ADD	45	23	28A.650.015	AMD	11 E1	133
28A.320.430	AMD	336	708	28A.650.015	AMD	43 E1	725
28A.323	ADD	45	24	28A.655	ADD	22 E1	3
28A.325	ADD	45	25	28A.655	ADD	45	50
28A.330	ADD	45	1,26	28A.655	ADD	75	2
28A.335	ADD	45	27	28A.655	ADD	340	2
28A.340	ADD	45	28	28A.655.061	AMD	22 E1	2
28A.343	ADD	45	29	28A.655.066	AMD	25	2
28A.345.060	AMD	43 E1	467	28A.655.180	AMD	260	9
28A.400	ADD	45	30	28A.660.050	AMD	11 E1	134
28A.400.201	AMD	43 E1	468	28B	ADD	8	1-6
28A.400.205	AMD	18 E1	1	28B	ADD	11 E1	301
28A.400.280	AMD	269	1	28B	ADD	13 E1	1-9
28A.400.350	AMD	269	2				11
28A.405	ADD	45	31	28B.04.080	AMD	11 E1	135
28A.405.415	AMD	18 E1	4	28B.07.020	AMD	11 E1	136
28A.410	ADD	23 E1	1	28B.07.030	AMD	11 E1	137
28A.410	ADD	45	32	28B.10	ADD	10 E1	11
28A.410	ADD	209	2	28B.10	ADD	77	3

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RCW		CH.	SEC.	RCW		CH.	SEC.
28B.10	ADD	108	2	28B.15.465	REP	11 E1	245
28B.10	ADD	217	3	28B.15.543	AMD	11 E1	152
28B.10.029	AMD	43 E1	303	28B.15.610	AMD	60	11
28B.10.029	AMD	198	1	28B.15.732	AMD	11 E1	153
28B.10.056	REP	11 E1	245	28B.15.736	REP	11 E1	245
28B.10.310	AMD	336	709	28B.15.752	AMD	11 E1	154
28B.10.400	AMD	47 E1	2	28B.15.754	REP	11 E1	245
28B.10.405	AMD	47 E1	3	28B.15.758	REP	11 E1	245
28B.10.410	AMD	47 E1	4	28B.15.760	AMD	11 E1	155
28B.10.415	AMD	47 E1	5	28B.15.762	AMD	11 E1	156
28B.10.417	AMD	47 E1	6	28B.20	ADD	181	1002
28B.10.423	AMD	47 E1	7	28B.20.105	AMD	336	717
28B.10.430	AMD	47 E1	8	28B.20.110	AMD	336	718
28B.10.510	AMD	336	710	28B.20.283	REP	14 E1	16
28B.10.520	AMD	336	711	28B.20.285	REP	14 E1	16
28B.10.528	AMD	336	712	28B.20.287	REP	14 E1	16
28B.10.567	AMD	336	713	28B.20.289	REP	14 E1	16
28B.10.5691	REP	11 E1	245	28B.20.291	REP	14 E1	16
28B.10.786	AMD	11 E1	138	28B.20.293	REP	14 E1	16
28B.10.790	AMD	11 E1	139	28B.20.295	REP	14 E1	16
28B.10.792	AMD	11 E1	140	28B.20.296	REP	14 E1	16
28B.10.840	AMD	11 E1	141	28B.20.297	REP	14 E1	16
28B.10.844	AMD	336	714	28B.20.328	AMD	336	719
28B.10.916	AMD	356	2	28B.20.456	AMD	336	720
28B.10.920	REP	10 E1	26	28B.20.725	AMD	48 E1	7020
28B.10.921	REP	10 E1	26	28B.30	ADD	321	1
28B.10.922	REP	10 E1	26	28B.30.125	AMD	336	721
28B.10.922	REP	21 E1	18	28B.30.130	AMD	336	722
28B.12.030	AMD	11 E1	142	28B.30.135	AMD	336	723
28B.12.040	AMD	11 E1	143	28B.30.325	AMD	336	724
28B.12.050	AMD	11 E1	144	28B.30.750	AMD	48 E1	7021
28B.12.055	AMD	11 E1	145	28B.31.090	AMD	336	725
28B.12.060	AMD	11 E1	146	28B.35	ADD	136	1
28B.12.070	AMD	11 E1	147	28B.35.105	AMD	336	726
28B.14D.090	AMD	336	715	28B.35.110	AMD	336	727
28B.14G.080	AMD	336	716	28B.35.120	AMD	336	728
28B.15	ADD	10 E1	5,6	28B.35.230	AMD	336	729
28B.15.012	AMD	11 E1	148	28B.35.310	AMD	336	730
28B.15.013	AMD	11 E1	149	28B.35.370	REMD	48 E1	7024
28B.15.015	AMD	11 E1	150	28B.35.730	AMD	336	731
28B.15.031	AMD	10 E1	2	28B.38.010	REP	14 E1	16
28B.15.031	AMD	274	2	28B.38.020	REP	14 E1	16
28B.15.067	AMD	10 E1	3	28B.38.030	REP	14 E1	16
28B.15.068	AMD	10 E1	7	28B.38.040	REP	14 E1	16
28B.15.068	AMD	50 E1	928	28B.38.050	REP	14 E1	16
28B.15.0681	AMD	10 E1	4	28B.38.060	REP	14 E1	16
28B.15.100	AMD	11 E1	151	28B.38.070	REP	14 E1	16
28B.15.100	AMD	274	5	28B.38.900	REP	14 E1	16
28B.15.210	REMD	48 E1	7022	28B.40.105	AMD	336	732
28B.15.310	REMD	48 E1	7023	28B.40.110	AMD	336	733

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RCW		CH.	SEC.	RCW		CH.	SEC.
28B.40.120	AMD	336	734	28B.76.525	AMD	11 E1	110
28B.40.195	AMD	336	735	28B.76.530	REP	11 E1	244
28B.40.230	AMD	336	736	28B.76.540	AMD	11 E1	111
28B.40.310	AMD	336	737	28B.76.560	AMD	11 E1	112
28B.45.014	AMD	208	1	28B.76.565	AMD	11 E1	113
28B.45.0201	AMD	118	2	28B.76.570	AMD	11 E1	114
28B.50	ADD	10 E1	12	28B.76.575	AMD	11 E1	115
28B.50	ADD	274	3	28B.76.605	AMD	11 E1	116
28B.50.060	AMD	336	738	28B.76.610	AMD	11 E1	117
28B.50.090	AMD	109	1	28B.76.615	AMD	11 E1	118
28B.50.100	AMD	336	739	28B.76.620	AMD	11 E1	119
28B.50.1401	AMD	118	1	28B.76.640	AMD	11 E1	120
28B.50.272	AMD	11 E1	157	28B.76.645	AMD	11 E1	121
28B.50.350	AMD	336	740	28B.76.650	AMD	11 E1	122
28B.50.360	AMD	48 E1	7025	28B.76.660	AMD	11 E1	123
28B.50.465	AMD	18 E1	2	28B.76.670	AMD	11 E1	124
28B.50.468	AMD	18 E1	3	28B.76.690	AMD	11 E1	125
28B.50.795	AMD	321	2	28B.92.020	AMD	11 E1	158
28B.50.856	AMD	336	741	28B.92.030	REMD	11 E1	159
28B.50.860	AMD	336	742	28B.92.040	AMD	11 E1	160
28B.50.863	AMD	336	743	28B.92.050	AMD	11 E1	161
28B.50.901	REP	321	4	28B.92.060	AMD	10 E1	9
28B.50.902	AMD	14 E1	6	28B.92.060	AMD	11 E1	162
28B.67.020	REMD	151	4	28B.92.084	AMD	11 E1	163
28B.76	ADD	10 E1	28	28B.92.120	AMD	11 E1	164
28B.76	ADD	77	4	28B.92.130	AMD	11 E1	165
28B.76	ADD	146	2	28B.92.140	AMD	11 E1	166
28B.76.010	REP	11 E1	244	28B.92.150	AMD	11 E1	167
28B.76.020	AMD	11 E1	101	28B.95	ADD	12 E1	6
28B.76.030	REP	11 E1	244	28B.95.020	AMD	11 E1	168
28B.76.040	REP	11 E1	244	28B.95.025	AMD	11 E1	169
28B.76.050	REP	11 E1	244	28B.95.030	AMD	11 E1	170
28B.76.060	REP	11 E1	244	28B.95.030	AMD	12 E1	2
28B.76.070	REP	11 E1	244	28B.95.040	AMD	11 E1	171
28B.76.080	REP	11 E1	244	28B.95.060	AMD	11 E1	172
28B.76.090	AMD	11 E1	102	28B.95.080	AMD	12 E1	3
28B.76.120	AMD	11 E1	103	28B.95.150	AMD	12 E1	4
28B.76.200	REP	11 E1	244	28B.95.160	AMD	11 E1	173
28B.76.210	AMD	11 E1	104	28B.97.010	AMD	11 E1	174
28B.76.260	REP	11 E1	244	28B.97.020	AMD	11 E1	175
28B.76.270	AMD	10 E1	8	28B.102.020	AMD	11 E1	176
28B.76.280	REP	11 E1	244	28B.102.030	AMD	11 E1	177
28B.76.300	REP	11 E1	245	28B.102.040	AMD	11 E1	178
28B.76.310	AMD	11 E1	105	28B.102.050	AMD	11 E1	179
28B.76.320	REP	11 E1	245	28B.102.055	AMD	11 E1	180
28B.76.330	REP	11 E1	244	28B.102.060	AMD	11 E1	181
28B.76.500	AMD	11 E1	106	28B.102.060	AMD	26	4
28B.76.505	AMD	11 E1	107	28B.102.080	AMD	11 E1	182
28B.76.510	AMD	11 E1	108	28B.105.020	AMD	11 E1	183
28B.76.520	AMD	11 E1	109	28B.105.040	AMD	11 E1	184

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RCW		CH.	SEC.	RCW		CH.	SEC.
28B.105.050	AMD	11	E1 185	28B.118.040	AMD	11	E1 228
28B.105.070	AMD	11	E1 186	28B.118.050	AMD	11	E1 229
28B.105.100	AMD	11	E1 187	28B.118.060	AMD	11	E1 230
28B.105.110	AMD	11	E1 188	28B.119.010	AMD	11	E1 231
28B.106.010	AMD	11	E1 189	28B.119.020	AMD	11	E1 232
28B.106.070	AMD	11	E1 190	28B.119.030	AMD	11	E1 233
28B.108.010	AMD	11	E1 191	28B.119.050	AMD	11	E1 234
28B.108.020	AMD	11	E1 192	28B.120.020	AMD	11	E1 235
28B.108.030	AMD	11	E1 193	28B.133.030	AMD	11	E1 236
28B.108.060	AMD	11	E1 194	28B.133.030	AMD	60	12
28B.109.010	AMD	11	E1 195	28B.133.040	AMD	11	E1 237
28B.109.020	AMD	11	E1 196	28B.133.050	AMD	11	E1 238
28B.109.030	AMD	11	E1 197	28B.135.010	AMD	11	E1 239
28B.109.040	AMD	11	E1 198	28B.135.030	AMD	11	E1 240
28B.109.050	AMD	11	E1 199	28B.135.040	AMD	11	E1 241
28B.109.060	AMD	11	E1 200	28C.04.535	AMD	50	E1 930
28B.109.070	AMD	11	E1 201	28C.10.140	AMD	96	23
28B.109.080	AMD	11	E1 202	28C.18.166	AMD	11	E1 242
28B.110.040	AMD	11	E1 203	29A.04	ADD	10	87
28B.115	ADD	150	2,3	29A.04.008	AMD	10	1
28B.115.020	AMD	11	E1 204	29A.04.013	AMD	10	2
28B.115.020	AMD	26	1	29A.04.019	AMD	10	3
28B.115.030	AMD	11	E1 205	29A.04.031	AMD	10	4
28B.115.050	AMD	11	E1 206	29A.04.037	AMD	10	5
28B.115.060	REP	26	5	29A.04.049	REP	10	86
28B.115.070	AMD	11	E1 207	29A.04.115	REP	10	86
28B.115.080	AMD	11	E1 208	29A.04.128	REP	10	86
28B.115.090	AMD	11	E1 209	29A.04.216	AMD	10	6
28B.115.110	AMD	11	E1 210	29A.04.220	AMD	10	7
28B.115.110	REMD	26	2	29A.04.235	AMD	10	8
28B.115.120	AMD	11	E1 211	29A.04.255	AMD	10	9
28B.115.120	AMD	26	3	29A.04.255	AMD	348	1
28B.115.130	AMD	11	E1 212	29A.04.255	AMD	349	1
28B.115.140	AMD	11	E1 213	29A.04.310	REP	349	29
28B.116.010	AMD	11	E1 214	29A.04.311	AMD	349	2
28B.116.020	AMD	11	E1 215	29A.04.321	AMD	349	3
28B.116.030	AMD	11	E1 216	29A.04.330	REMD	349	4
28B.116.050	AMD	11	E1 217	29A.04.470	AMD	10	10
28B.116.050	AMD	50	E1 929	29A.04.540	AMD	10	11
28B.116.060	AMD	11	E1 218	29A.04.580	AMD	10	12
28B.116.070	AMD	11	E1 219	29A.04.611	AMD	10	13
28B.117.020	AMD	11	E1 220	29A.08.130	AMD	10	14
28B.117.030	AMD	11	E1 221	29A.08.140	AMD	10	15
28B.117.040	AMD	11	E1 222	29A.08.430	REP	10	86
28B.117.050	AMD	11	E1 223	29A.08.440	AMD	10	16
28B.117.060	AMD	11	E1 224	29A.08.620	AMD	10	17
28B.117.070	AMD	11	E1 225	29A.08.720	AMD	10	18
28B.118	ADD	304	1	29A.08.760	AMD	43	E1 813
28B.118.010	AMD	11	E1 226	29A.08.775	AMD	10	19
28B.118.020	AMD	11	E1 227	29A.08.810	AMD	10	20

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RCW		CH.	SEC.	RCW		CH.	SEC.
29A.08.820	AMD	10	21	29A.40.061	REP	10	86
29A.12.085	AMD	10	22	29A.40.070	AMD	10	38
29A.12.090	REP	10	86	29A.40.070	AMD	349	16
29A.12.110	AMD	10	23	29A.40.080	REP	10	86
29A.12.120	AMD	10	24	29A.40.091	AMD	10	39
29A.12.160	AMD	10	25	29A.40.091	AMD	182	1
29A.16.010	REP	10	86	29A.40.091	AMD	348	3
29A.16.020	REP	10	86	29A.40.091	AMD	349	17
29A.16.030	REP	10	86	29A.40.100	AMD	10	40
29A.16.040	AMD	10	26	29A.40.110	AMD	10	41
29A.16.040	AMD	349	5	29A.40.110	AMD	348	4
29A.16.060	REP	10	86	29A.40.110	AMD	349	18
29A.16.110	REP	10	86	29A.40.120	REP	10	86
29A.16.120	REP	10	86	29A.40.130	AMD	10	42
29A.16.130	REP	10	86	29A.40.140	REP	10	86
29A.16.140	REP	10	86	29A.40.150	REP	349	29
29A.16.150	REP	10	86	29A.44	ADD	10	43
29A.16.160	REP	10	86	29A.44.010	REP	10	86
29A.16.170	REP	10	86	29A.44.020	REP	10	86
29A.24.040	AMD	349	6	29A.44.030	REP	10	86
29A.24.050	AMD	349	7	29A.44.040	REP	10	86
29A.24.081	AMD	10	27	29A.44.045	REP	10	86
29A.24.131	AMD	349	8	29A.44.050	REP	10	86
29A.24.141	AMD	349	9	29A.44.060	REP	10	86
29A.24.151	REP	10	86	29A.44.070	REP	10	86
29A.24.151	REP	349	29	29A.44.080	REP	10	86
29A.24.161	REP	10	86	29A.44.090	REP	10	86
29A.24.161	REP	349	29	29A.44.110	REP	10	86
29A.24.171	AMD	349	10	29A.44.120	REP	10	86
29A.24.181	AMD	349	11	29A.44.130	REP	10	86
29A.24.191	AMD	349	12	29A.44.140	REP	10	86
29A.24.210	REP	349	30	29A.44.150	REP	10	86
29A.24.211	REP	349	30	29A.44.160	REP	10	86
29A.24.311	AMD	349	13	29A.44.170	REP	10	86
29A.28.041	AMD	349	14	29A.44.180	REP	10	86
29A.28.061	AMD	10	28	29A.44.190	REP	10	86
29A.32.031	AMD	60	13	29A.44.201	REP	10	86
29A.32.241	AMD	10	29	29A.44.205	REP	10	86
29A.32.260	AMD	10	30	29A.44.207	REP	10	86
29A.36.010	REMD	349	15	29A.44.210	REP	10	86
29A.36.011	REP	349	29	29A.44.221	REP	10	86
29A.36.115	AMD	10	31	29A.44.225	REP	10	86
29A.36.131	AMD	10	32	29A.44.231	REP	10	86
29A.36.161	AMD	10	33	29A.44.240	REP	10	86
29A.36.220	AMD	10	34	29A.44.250	REP	10	86
29A.40.010	AMD	10	35	29A.44.260	REP	10	86
29A.40.020	AMD	10	36	29A.44.265	REP	10	86
29A.40.030	REP	10	86	29A.44.270	REP	10	86
29A.40.040	REP	10	86	29A.44.280	REP	10	86
29A.40.050	AMD	10	37	29A.44.290	REP	10	86

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RCW		CH.	SEC.	RCW		CH.	SEC.
29A.44.310	REP	10	86	29A.60.190	AMD	10	57
29A.44.320	REP	10	86	29A.60.190	AMD	10	58
29A.44.330	REP	10	86	29A.60.190	AMD	349	20
29A.44.340	REP	10	86	29A.60.190	AMD	349	21
29A.44.350	REP	10	86	29A.60.195	AMD	10	59
29A.44.410	REP	10	86	29A.60.200	AMD	10	60
29A.44.420	REP	10	86	29A.60.230	AMD	10	61
29A.44.430	REP	10	86	29A.60.235	AMD	10	62
29A.44.440	REP	10	86	29A.60.240	AMD	349	22
29A.44.450	REP	10	86	29A.64.011	AMD	349	23
29A.44.460	REP	10	86	29A.64.030	AMD	349	24
29A.44.470	REP	10	86	29A.64.041	AMD	10	63
29A.44.480	REP	10	86	29A.68.011	AMD	349	25
29A.44.490	REP	10	86	29A.68.020	AMD	10	64
29A.44.500	REP	10	86	29A.68.070	AMD	10	65
29A.44.510	REP	10	86	29A.68.080	AMD	10	66
29A.44.520	REP	10	86	29A.76.010	AMD	349	26
29A.44.530	REP	10	86	29A.84.020	AMD	10	67
29A.46.010	REP	10	86	29A.84.050	AMD	10	68
29A.46.020	REP	10	86	29A.84.250	AMD	60	14
29A.46.030	REP	10	86	29A.84.510	AMD	10	69
29A.46.110	REP	10	86	29A.84.520	AMD	10	70
29A.46.120	REP	10	86	29A.84.525	REP	10	86
29A.46.130	REP	10	86	29A.84.530	AMD	10	71
29A.46.260	AMD	10	44	29A.84.540	AMD	10	72
29A.46.260	RECD	10	87	29A.84.545	AMD	10	73
29A.48.010	REP	10	86	29A.84.550	AMD	10	74
29A.48.020	REP	10	86	29A.84.655	AMD	10	75
29A.48.030	REP	10	86	29A.84.670	REP	10	86
29A.48.040	REP	10	86	29A.84.680	REMD	10	76
29A.48.050	REP	10	86	29A.84.730	AMD	10	77
29A.48.060	REP	10	86	29A.84.740	REP	10	86
29A.52	ADD	10	45	30.04.140	AMD	336	744
29A.52.311	REP	10	86	30.04.300	AMD	336	745
29A.52.351	REP	10	86	30.08.025	AMD	52	1
29A.56.020	AMD	319	1	30.08.140	AMD	303	7
29A.56.030	AMD	349	19	30.08.150	AMD	336	746
29A.56.490	AMD	10	46	30.22	ADD	303	5
29A.60.030	REP	10	86	30.22.040	AMD	303	4
29A.60.040	AMD	10	47	30.22.040	AMD	336	747
29A.60.050	AMD	10	48	30.22.150	AMD	336	748
29A.60.060	AMD	10	49	30.49.050	AMD	336	749
29A.60.080	REP	10	86	31.04	ADD	93	9
29A.60.110	AMD	10	50	31.04.025	REMD	191	1
29A.60.120	AMD	10	51	31.04.027	AMD	191	2
29A.60.160	AMD	10	52	31.04.540	AMD	36 E1	15
29A.60.160	AMD	10	53	31.12.402	AMD	303	6
29A.60.165	REMD	10	54	31.20.050	AMD	336	750
29A.60.170	AMD	10	55	31.45	ADD	93	10
29A.60.180	AMD	10	56	32.08.140	AMD	303	8

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RCW	CH.	SEC.	RCW	CH.	SEC.
32.12.120	AMD	336	751	35A.63	ADD 261 4
32.16.010	AMD	336	752	35A.63.146	AMD 158 10
32.16.012	AMD	336	753	35A.80	ADD 226 3
32.16.130	AMD	336	754	36.01	ADD 261 2
32.32.025	AMD	336	755	36.18.018	AMD 44 E1 3
32.32.045	AMD	336	756	36.18.020	REMD 44 E1 5
33.16.020	AMD	336	757	36.21.011	AMD 43 E1 470
33.16.050	AMD	336	758	36.22.175	AMD 50 E1 931
33.16.090	AMD	336	759	36.22.178	AMD 110 1
33.20.010	AMD	336	760	36.22.179	AMD 110 2
33.20.040	AMD	336	761	36.22.1791	AMD 110 3
34.05.010	AMD	336	762	36.22.181	AMD 129 2
34.05.030	AMD	43 E1	431	36.23.030	AMD 193 3
34.05.110	AMD	18	1	36.24.155	AMD 16 1
34.05.210	AMD	156	4	36.38.010	AMD 38 E1 2
34.05.310	AMD	298	20	36.70.493	AMD 158 11
34.05.328	AMD	149	1	36.70A	ADD 360 1-15
34.05.328	AMD	298	21	36.70A.080	AMD 318 801
34.05.350	AMD	2 E1	1	36.70A.130	REMD 353 2
34.12.060	AMD	336	763	36.70A.130	REMD 360 16
34.12.100	AMD	43 E1	469	36.70A.200	AMD 60 17
34.12.140	AMD	336	764	36.70A.215	AMD 353 3
35.02.130	AMD	60	15	36.70A.280	AMD 360 17
35.13.260	AMD	342	1	36.70A.290	AMD 277 1
35.20.030	AMD	96	24	36.70A.340	AMD 120 2
35.21.217	AMD	151	5	36.83.110	AMD 10 79
35.21.392	AMD	298	22	36.93.030	AMD 10 80
35.21.759	AMD	60	16	36.93.051	AMD 21 E1 23
35.21.766	AMD	139	1	36.94.110	AMD 214 28
35.22.280	AMD	96	25	36.100.220	AMD 38 E1 3
35.23.440	AMD	96	26	37.12.021	AMD 336 765
35.33.131	AMD	210	2	37.16.180	AMD 336 766
35.34.220	AMD	210	3	38	ADD 79 1-8
35.43.040	AMD	85	1	38.24.050	AMD 336 767
35.58.210	AMD	124	1	38.32.030	AMD 336 768
35.58.2795	AMD	371	1	38.38.328	AMD 336 769
35.58.2796	AMD	371	2	38.38.548	AMD 336 770
35.63	ADD	261	3	38.38.552	AMD 336 771
35.63.030	AMD	59	1	38.38.556	AMD 336 772
35.63.161	AMD	158	9	38.38.580	AMD 336 773
35.79.030	AMD	130	1	38.38.628	AMD 336 774
35.92	ADD	226	2	38.38.632	AMD 336 775
35.102.150	AMD	174	201	38.38.648	AMD 336 776
35.104.040	AMD	155	1	38.38.664	AMD 336 777
35A.12.010	AMD	14	1	38.38.668	AMD 336 778
35A.13.010	AMD	14	2	38.38.676	AMD 336 779
35A.14.700	AMD	342	2	38.38.680	AMD 336 780
35A.21.340	AMD	298	23	38.38.692	AMD 336 781
35A.33.130	AMD	210	4	38.38.696	AMD 336 782
35A.34.220	AMD	210	5	38.38.704	AMD 336 783

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RCW		CH.	SEC.	RCW		CH.	SEC.
38.38.724	AMD	336	784	39.34.150	AMD	336	805
38.38.732	AMD	336	785	39.34.215	AMD	97	1
38.38.740	AMD	336	786	39.35.030	AMD	43 E1	247
38.38.764	AMD	336	787	39.35B.050	AMD	48 E1	7005
38.38.880	AMD	336	788	39.35C.010	AMD	43 E1	248
38.52.040	AMD	21 E1	27	39.35D.020	AMD	43 E1	249
38.52.040	AMD	79	9	39.35D.030	AMD	99	1
38.52.040	AMD	336	789	39.35D.040	AMD	99	2
38.52.140	AMD	336	790	39.40.030	AMD	336	806
38.52.180	AMD	336	791	39.42	ADD	46 E1	3
38.52.190	AMD	336	792	39.44.102	AMD	336	807
38.52.195	AMD	336	793	39.44.110	AMD	336	808
38.52.200	AMD	336	794	39.44.120	AMD	336	809
38.52.220	AMD	336	795	39.46	ADD	211	2
38.52.230	AMD	336	796	39.46.020	AMD	211	1
38.52.260	AMD	336	797	39.46.040	AMD	210	1
38.52.350	AMD	336	798	39.56.030	AMD	336	810
38.52.380	AMD	336	799	39.62.020	AMD	336	811
38.52.400	AMD	336	800	39.64.080	AMD	336	812
38.52.920	AMD	336	801	39.72.020	AMD	336	813
39	ADD	258	1-9	39.84.100	AMD	336	814
39	ADD	318	101,201	39.86.130	AMD	11 E1	243
			301-305	39.86.140	AMD	211	3
			401-403	39.88.020	AMD	336	815
			501	39.94.040	REMD	43 E1	726
			601-603	39.94.040	REEN	151	7
			701	39.100.010	AMD	363	1
39.04	ADD	345	1	39.100.020	AMD	363	2
39.04.080	AMD	336	802	40.04.030	REP	43 E1	306
39.04.120	AMD	336	803	40.04.031	AMD	156	5
39.08.065	AMD	336	804	40.06.030	AMD	43 E1	304
39.12	ADD	92	1	40.07.050	REP	43 E1	306
39.29	ADD	21 E1	60	40.10.010	AMD	336	816
39.29.006	AMD	358	7	40.14.020	AMD	43 E1	727
39.29.011	AMD	43 E1	522	40.14.025	AMD	50 E1	932
39.29.011	AMD	358	4	40.14.027	AMD	50 E1	933
39.29.016	AMD	43 E1	523	40.14.030	AMD	336	817
39.29.018	AMD	43 E1	524	40.14.040	AMD	336	818
39.29.025	AMD	43 E1	525	40.14.070	AMD	60	18
39.29.055	AMD	43 E1	526	40.14.110	AMD	336	819
39.29.065	AMD	43 E1	527	40.14.130	AMD	336	820
39.29.068	REMD	43 E1	528	40.14.140	AMD	336	821
39.29.075	AMD	43 E1	529	40.24.030	REMD	64	2
39.29.090	AMD	43 E1	530	40.24.060	AMD	10	81
39.29.100	AMD	43 E1	531	41	ADD	15 E1	88-115
39.29.110	AMD	43 E1	532	41.04	ADD	39 E1	1
39.29.120	AMD	43 E1	533	41.04.020	AMD	43 E1	471
39.32.035	AMD	43 E1	252	41.04.340	AMD	39 E1	12
39.33.010	AMD	259	1	41.04.340	AMD	43 E1	432
39.34.055	AMD	43 E1	246	41.04.385	AMD	43 E1	433



**RCW SECTIONS AFFECTED BY 2011 STATUTES**

RCW		CH.	SEC.	RCW		CH.	SEC.
41.04.395	AMD	43 E1	434	41.06.395	AMD	43 E1	422
41.04.460	AMD	43 E1	472	41.06.400	AMD	43 E1	423
41.04.665	REMD	43 E1	435	41.06.410	AMD	43 E1	424
41.04.670	AMD	43 E1	436	41.06.420	AMD	43 E1	425
41.04.680	AMD	43 E1	437	41.06.476	AMD	43 E1	426
41.04.685	AMD	43 E1	438	41.06.480	REP	43 E1	478
41.04.720	AMD	43 E1	439	41.06.490	AMD	43 E1	427
41.04.770	AMD	43 E1	440	41.06.500	REMD	39 E1	6
41.05	ADD	8 E1	2	41.06.510	AMD	43 E1	428
41.05	ADD	159	2	41.06.530	AMD	43 E1	429
41.05	ADD	316	6,7	41.06.560	AMD	39 E1	11
41.05.011	AMD	15 E1	54	41.07.020	AMD	43 E1	441
41.05.015	AMD	15 E1	55	41.07.030	AMD	43 E1	442
41.05.021	AMD	15 E1	56	41.07.030	AMD	43 E1	611
41.05.036	AMD	15 E1	57	41.07.900	REP	43 E1	478
41.05.037	AMD	15 E1	58	41.26.030	AMD	5 E1	1
41.05.065	AMD	8 E1	1	41.32	ADD	47 E1	9
41.05.140	AMD	15 E1	59	41.32.010	REMD	5 E1	2
41.06	ADD	14 E1	5	41.32.483	AMD	362	2
41.06	ADD	43 E1	106	41.32.4851	AMD	362	4
			411,412	41.32.489	AMD	362	3
			723	41.32.570	AMD	47 E1	10
41.06.020	AMD	43 E1	401	41.32.800	AMD	47 E1	11
41.06.030	REP	43 E1	478	41.32.802	AMD	47 E1	12
41.06.070	REMD	16 E1	22	41.32.860	AMD	47 E1	13
41.06.070	REMD	39 E1	4	41.32.862	AMD	47 E1	14
41.06.070	REMD	43 E1	1010	41.34.060	AMD	80	2
41.06.076	AMD	43 E1	402	41.34.130	AMD	80	1
41.06.080	AMD	43 E1	403	41.34.140	AMD	80	3
41.06.093	AMD	43 E1	404	41.35.010	AMD	5 E1	3
41.06.110	AMD	43 E1	405	41.35.060	AMD	47 E1	15
41.06.111	REP	43 E1	478	41.35.230	AMD	47 E1	16
41.06.120	AMD	43 E1	406	41.37.010	REMD	5 E1	4
41.06.130	REP	43 E1	478	41.37.010	REMD	68	1
41.06.133	REMD	39 E1	5	41.37.050	AMD	47 E1	17
41.06.133	REMD	43 E1	407	41.40	ADD	47 E1	18
41.06.136	DECD	43 E1	479	41.40.010	REMD	5 E1	5
41.06.139	REP	43 E1	478	41.40.037	AMD	47 E1	19
41.06.142	AMD	43 E1	408	41.40.183	AMD	362	5
41.06.150	REMD	43 E1	409	41.40.197	AMD	362	6
41.06.152	AMD	43 E1	410	41.40.1984	AMD	362	7
41.06.167	AMD	43 E1	413	41.45.150	AMD	362	8
41.06.169	AMD	43 E1	414	41.50.030	AMD	47 E1	20
41.06.170	AMD	43 E1	415	41.50.080	AMD	47 E1	21
41.06.220	AMD	43 E1	416	41.50.110	AMD	47 E1	22
41.06.260	AMD	43 E1	417	41.50.110	AMD	50 E1	936
41.06.270	AMD	43 E1	418	41.56.030	REMD	21 E1	11
41.06.280	AMD	43 E1	419	41.56.050	AMD	222	1
41.06.285	AMD	43 E1	420	41.56.140	AMD	222	2
41.06.350	AMD	43 E1	421	41.58	ADD	16 E1	16

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RCW		CH.	SEC.	RCW		CH.	SEC.
41.58.050	AMD	16	E1 17	42.44.030	AMD	244	6
41.58.060	AMD	16	E1 18	42.52	ADD	63	1
41.60.015	AMD	21	E1 30	42.52.010	AMD	60	28
41.60.015	AMD	43	E1 443	42.52.150	AMD	60	29
41.60.050	AMD	43	E1 473	42.52.180	AMD	60	30
41.60.050	AMD	50	E1 937	42.52.185	AMD	60	31
41.60.150	AMD	39	E1 9	42.52.380	AMD	60	32
41.68.030	AMD	43	E1 474	42.52.560	AMD	60	33
41.68.040	AMD	43	E1 475	42.56.230	AMD	173	1
41.68.050	AMD	43	E1 476	42.56.230	AMD	350	2
41.80	ADD	43	E1 1001	42.56.270	AMD	14 E1	15
41.80.005	AMD	43	E1 444	42.56.400	REMD	188	21
41.80.010	AMD	50	E1 938	42.56.550	REMD	273	1
41.80.010	AMD	344	1	42.56.565	AMD	300	1
41.80.020	AMD	43	E1 445	43	ADD	14 E1	1-4
41.80.020	AMD	50	E1 939				17
41.80.900	DECD	43	E1 479	43	ADD	43 E1701-721	
41.80.901	DECD	43	E1 479	43	ADD	49 E1	7001-
41.80.902	DECD	43	E1 479				7005
41.80.903	DECD	43	E1 479	43	ADD	317	1-6
41.80.904	DECD	43	E1 479	43.01.040	AMD	43 E1	449
42.12.040	REMD	349	27	43.01.041	AMD	39 E1	13
42.12.070	AMD	349	28	43.01.135	AMD	43 E1	450
42.16.010	AMD	43	E1 446	43.01.225	AMD	43 E1	253
42.17.2401	AMD	43	E1 110	43.03	ADD	21 E1	63
42.17.370	AMD	43	E1 447	43.03	ADD	39 E1	2
42.17.460	AMD	43	E1 728	43.03.011	AMD	380	1
42.17.467	AMD	43	E1 729	43.03.012	AMD	380	2
42.17.469	AMD	43	E1 730	43.03.013	AMD	380	3
42.17.471	AMD	43	E1 731	43.03.028	AMD	43 E1	451
42.17A	ADD	145	5	43.03.030	AMD	39 E1	7
42.17A.005	REMD	60	19	43.03.040	REMD	39 E1	8
42.17A.005	REMD	145	2	43.03.050	AMD	21 E1	61
42.17A.060	AMD	43	E1 732	43.03.060	AMD	21 E1	62
42.17A.110	REMD	43	E1 448	43.03.120	AMD	43 E1	452
42.17A.110	REEN	60	20	43.03.130	AMD	43 E1	453
42.17A.125	AMD	60	21	43.03.220	AMD	5	902
42.17A.205	REMD	145	3	43.03.220	AMD	21 E1	55
42.17A.225	REMD	60	22	43.03.230	AMD	5	903
42.17A.235	REEN	60	23	43.03.230	AMD	21 E1	56
42.17A.245	AMD	145	4	43.03.240	AMD	5	904
42.17A.255	AMD	60	24	43.03.240	AMD	21 E1	57
42.17A.415	AMD	60	25	43.03.250	AMD	5	905
42.17A.705	AMD	43	E1 109	43.03.250	AMD	21 E1	58
42.17A.750	AMD	145	6	43.03.265	AMD	5	906
42.17A.755	AMD	145	7	43.03.265	AMD	21 E1	59
42.17A.770	AMD	60	26	43.03.305	AMD	60	34
42.30.110	AMD	14	E1 14	43.03.305	AMD	254	1
42.36.040	AMD	60	27	43.06.013	AMD	43 E1	454
42.44	ADD	351	18	43.06.240	AMD	96	27

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RCW		CH.	SEC.	RCW		CH.	SEC.
43.06.400	AMD	20	E1 201	43.19.500	AMD	43	E1 224
43.06.410	AMD	43	E1 455	43.19.501	AMD	43	E1 225
43.06.425	AMD	43	E1 456	43.19.501	AMD	50	E1 943
43.07.129	AMD	50	E1 940	43.19.530	AMD	43	E1 226
43.07.200	AMD	298	24	43.19.534	AMD	43	E1 227
43.08.061	AMD	43	E1 305	43.19.534	AMD	367	707
43.08.190	AMD	50	E1 941	43.19.538	AMD	43	E1 228
43.09	ADD	43	E1 310	43.19.539	AMD	43	E1 229
43.09.475	AMD	50	E1 942	43.19.560	AMD	43	E1 230
43.12.065	AMD	320	16	43.19.565	AMD	43	E1 231
43.15.020	REMD	158	12	43.19.585	AMD	43	E1 232
43.17.010	AMD	43	E1 107	43.19.590	REP	43	E1 258
43.17.020	AMD	43	E1 108	43.19.595	REP	43	E1 258
43.17.320	AMD	60	35	43.19.600	AMD	43	E1 233
43.19	ADD	43	E1 102-104	43.19.610	AMD	43	E1 234
			307-309	43.19.615	REP	43	E1 258
			311-315	43.19.620	AMD	43	E1 235
			535,614	43.19.635	AMD	43	E1 236
			1002-	43.19.646	AMD	43	E1 237
			1005	43.19.648	AMD	353	4
			1007	43.19.663	AMD	43	E1 238
43.19	ADD	358	2,3	43.19.675	REP	43	E1 258
43.19.010	REP	43	E1 258	43.19.680	REP	43	E1 258
43.19.011	AMD	43	E1 201	43.19.685	AMD	43	E1 239
43.19.025	AMD	43	E1 202	43.19.702	AMD	43	E1 240
43.19.035	AMD	43	E1 203	43.19.704	AMD	43	E1 241
43.19.123	DECD	43	E1 259	43.19.708	AMD	43	E1 242
43.19.125	AMD	43	E1 204	43.19.710	AMD	43	E1 243
43.19.180	AMD	43	E1 205	43.19A.010	AMD	43	E1 250
43.19.185	AMD	43	E1 206	43.19A.022	AMD	43	E1 251
43.19.190	AMD	43	E1 207	43.20.050	AMD	27	1
43.19.190	AMD	43	E1 805	43.20.110	REP	27	5
43.19.1905	AMD	43	E1 208	43.20.140	REP	27	5
43.19.19052	AMD	43	E1 209	43.20.200	REP	27	5
43.19.1906	AMD	43	E1 210	43.20A	ADD	15	E1 123
43.19.1908	AMD	43	E1 211	43.20A	ADD	42	E1 27
43.19.1913	AMD	43	E1 212	43.20A.365	AMD	15	E1 60
43.19.1915	AMD	43	E1 213	43.20A.365	RECD	15	E1 126
43.19.1917	AMD	43	E1 214	43.20A.605	AMD	42	E1 23
43.19.1919	AMD	43	E1 215	43.20A.685	AMD	21	E1 31
43.19.19191	AMD	43	E1 216	43.20A.710	AMD	31	E1 16
43.19.1920	AMD	43	E1 217	43.20A.710	AMD	253	1
43.19.19201	AMD	43	E1 218	43.20A.725	AMD	50	E1 944
43.19.1921	AMD	43	E1 219	43.20A.860	REP	15	E1 121
43.19.1923	REP	43	E1 258	43.21A.660	AMD	5	907
43.19.1925	REP	43	E1 258	43.21A.667	AMD	5	908
43.19.1932	AMD	43	E1 220	43.21A.667	AMD	169	2
43.19.200	AMD	43	E1 221	43.21A.667	AMD	171	7
43.19.450	AMD	43	E1 222	43.21C	ADD	360	19
43.19.455	AMD	43	E1 223	43.21C.037	AMD	207	3

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RCW		CH.	SEC.	RCW		CH.	SEC.
43.21H.020	AMD	249	1	43.43.837	AMD	31 E1	17
43.22.290	AMD	96	28	43.43.837	AMD	253	2
43.22.435	AMD	301	10	43.43.944	AMD	48 E1	7026
43.22A.080	AMD	301	11	43.52A.030	AMD	60	36
43.22A.100	AMD	158	3	43.60A.152	AMD	20	13
43.22A.130	AMD	301	12	43.60A.175	AMD	60	37
43.23	ADD	245	1	43.63A.125	AMD	48 E1	7027
43.23.230	AMD	204	7	43.63A.485	AMD	96	29
43.24.150	REMD	298	25	43.63A.550	AMD	43 E1	814
43.30	ADD	20	12	43.70.110	AMD	35	1
43.30	ADD	355	2-6	43.70.533	AMD	316	3
43.30.215	AMD	355	1	43.70.555	AMD	32 E1	8
43.30.385	AMD	216	14	43.70.670	AMD	15 E1	72
43.30.385	AMD	320	21	43.78.010	REP	43 E1	306
43.31.086	DECD	43 E1	479	43.78.020	REP	43 E1	306
43.31.422	AMD	21 E1	42	43.78.030	REP	43 E1	306
43.31.425	AMD	21 E1	41	43.78.040	REP	43 E1	306
43.33A.100	AMD	43 E1	457	43.78.050	REP	43 E1	306
43.34.080	AMD	21 E1	34	43.78.070	REP	43 E1	306
43.41	ADD	43 E1	430	43.78.080	REP	43 E1	306
			1006	43.78.090	REP	43 E1	306
43.41.110	AMD	43 E1	510	43.78.100	REP	43 E1	306
43.41.160	AMD	15 E1	70	43.78.105	REP	43 E1	306
43.41.260	AMD	15 E1	71	43.78.110	REP	43 E1	306
43.41.280	RECD	43 E1	535	43.78.130	RECD	43 E1	315
43.41.290	AMD	43 E1	501	43.78.140	RECD	43 E1	315
43.41.290	RECD	43 E1	535	43.78.150	RECD	43 E1	315
43.41.300	AMD	43 E1	502	43.78.160	RECD	43 E1	315
43.41.300	RECD	43 E1	535	43.78.170	REP	43 E1	306
43.41.310	AMD	43 E1	503	43.79.201	AMD	50 E1	945
43.41.310	RECD	43 E1	535	43.79.460	AMD	5	909
43.41.320	AMD	43 E1	504	43.79.465	AMD	5	910
43.41.320	RECD	43 E1	535	43.79.465	AMD	50 E1	946
43.41.330	AMD	43 E1	505	43.79.480	REMD	50 E1	947
43.41.330	RECD	43 E1	535	43.79.505	AMD	44 E1	6
43.41.340	AMD	43 E1	506	43.79A.040	AMD	37 E1	603
43.41.340	RECD	43 E1	535	43.79A.040	REMD	274	4
43.41.350	RECD	43 E1	535	43.82.120	AMD	43 E1	254
43.41.360	AMD	43 E1	507	43.82.125	AMD	43 E1	255
43.41.360	RECD	43 E1	535	43.83B.430	AMD	5	911
43.41.370	AMD	43 E1	508	43.84.092	REMD	7 E1	22
43.41.380	AMD	43 E1	509	43.84.092	REMD	16 E1	6
43.42.010	AMD	149	2	43.84.092	REMD	83	7
43.43.120	AMD	5 E1	6	43.84.092	REMD	120	3
43.43.400	AMD	169	3	43.84.092	REMD	272	3
43.43.400	AMD	171	8	43.84.092	REMD	311	9
43.43.540	AMD	337	8	43.84.092	REMD	339	1
43.43.7541	AMD	125	1	43.84.092	REMD	369	6
43.43.830	AMD	253	5	43.88.092	AMD	43 E1	733
43.43.832	AMD	253	6	43.88.150	AMD	50 E1	948

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RCW		CH.	SEC.	RCW		CH.	SEC.
43.88.580	AMD	43	E1 534	43.105.310	AMD	60	39
43.88A.020	AMD	140	1	43.105.320	AMD	43	E1 602
43.88C	ADD	40	E1 28,29	43.105.320	RECD	43	E1 614
43.88C.010	AMD	304	2	43.105.330	REP	43	E1 1013
43.99H.070	AMD	43	E1 256	43.105.330	AMD	367	711
43.99I	ADD	49	E1 7006	43.105.340	AMD	21	E1 12
43.99I.040	AMD	43	E1 612	43.105.360	REP	43	E1 613
43.99N	ADD	49	E1 7007	43.105.370	AMD	43	E1 603
43.99P	ADD	49	E1 7008	43.105.370	RECD	43	E1 615
43.99Q	ADD	49	E1 7010	43.105.372	AMD	43	E1 604
43.99Q.130	AMD	49	E1 7009	43.105.372	RECD	43	E1 615
43.101	ADD	49	1	43.105.374	AMD	43	E1 605
43.101.080	AMD	234	1	43.105.374	RECD	43	E1 615
43.101.095	AMD	234	2	43.105.376	AMD	43	E1 606
43.101.105	AMD	234	3	43.105.376	RECD	43	E1 615
43.101.200	AMD	50	E1 949	43.105.380	AMD	43	E1 607
43.105	ADD	43	E1 801,806	43.105.380	RECD	43	E1 615
43.105.005	REP	43	E1 1013	43.105.382	AMD	43	E1 608
43.105.013	REP	43	E1 1013	43.105.382	RECD	43	E1 615
43.105.019	REP	43	E1 1013	43.105.390	AMD	43	E1 609
43.105.020	AMD	43	E1 802	43.105.390	RECD	43	E1 615
43.105.032	REP	43	E1 1013	43.105.400	AMD	43	E1 610
43.105.041	REP	43	E1 1013	43.105.400	RECD	43	E1 615
43.105.041	AMD	358	6	43.105.410	RECD	43	E1 614
43.105.047	AMD	43	E1 803	43.105.410	AMD	43	E1 734
43.105.052	AMD	43	E1 804	43.105.805	REP	43	E1 1013
43.105.052	RECD	43	E1 1012	43.105.815	REP	43	E1 1013
43.105.057	AMD	43	E1 807	43.105.820	REP	43	E1 1013
43.105.060	AMD	43	E1 808	43.105.835	AMD	43	E1 722
43.105.080	AMD	5	912	43.105.835	RECD	43	E1 1012
43.105.080	AMD	43	E1 601	43.121.010	REP	32	E1 12
43.105.080	RECD	43	E1 614	43.121.015	REP	32	E1 12
43.105.095	REP	43	E1 1013	43.121.020	REP	32	E1 12
43.105.105	REP	43	E1 1013	43.121.030	REP	32	E1 12
43.105.160	REP	43	E1 1013	43.121.040	REP	32	E1 12
43.105.170	REP	43	E1 1013	43.121.050	REP	32	E1 12
43.105.172	RECD	43	E1 1012	43.121.060	REP	32	E1 12
43.105.180	REP	43	E1 1013	43.121.070	REP	32	E1 12
43.105.190	REP	43	E1 1013	43.121.080	REP	32	E1 12
43.105.200	REP	43	E1 1013	43.121.100	AMD	32	E1 5
43.105.210	REP	43	E1 1013	43.121.100	AMD	171	9
43.105.250	RECD	43	E1 1012	43.121.110	REP	32	E1 12
43.105.260	RECD	43	E1 1012	43.121.120	REP	32	E1 12
43.105.260	AMD	60	38	43.121.130	REP	32	E1 12
43.105.270	RECD	43	E1 1012	43.121.140	REP	32	E1 12
43.105.280	RECD	43	E1 1012	43.121.150	REP	32	E1 12
43.105.290	AMD	43	E1 724	43.121.160	REP	32	E1 12
43.105.290	RECD	43	E1 1012	43.121.185	REP	32	E1 12
43.105.300	REP	43	E1 613	43.121.910	REP	32	E1 12
43.105.310	RECD	43	E1 1012	43.130.060	AMD	43	E1 458

**RCW SECTIONS AFFECTED BY 2011 STATUTES**

RCW		CH.	SEC.	RCW		CH.	SEC.
43.131.090	AMD	43	E1 459	43.215.270	AMD	297	3
43.131.401	REP	149	3	43.215.290	AMD	297	2
43.131.402	REP	149	3	43.215.300	AMD	296	1
43.131.411	REP	40	E1 39	43.215.370	AMD	296	2
43.131.412	REP	40	E1 39	43.220	ADD	20	5,11
43.132.020	AMD	140	2	43.220.010	REP	20	17
43.135	ADD	1	2	43.220.020	AMD	20	2
43.135.035	REP	1	3	43.220.030	REP	20	17
43.135.035	AMD	1	4	43.220.040	REMD	20	4
43.135.045	AMD	50	E1 950	43.220.060	AMD	20	6
43.135.055	AMD	1	5	43.220.070	AMD	20	7
43.136.011	AMD	335	1	43.220.080	REP	20	17
43.136.045	AMD	335	2	43.220.090	REP	20	17
43.136.055	AMD	335	3	43.220.120	REP	20	17
43.155	ADD	48	E1 7028	43.220.130	REP	20	17
43.155	ADD	180	302	43.220.160	REP	20	17
43.155.050	REMD	50	E1 951	43.220.170	AMD	20	8
43.160.030	AMD	21	E1 25	43.220.180	REP	20	17
43.160.076	AMD	180	301	43.220.190	REP	20	17
43.162	ADD	311	3,8	43.220.210	REP	20	17
43.162.005	AMD	311	1	43.220.231	AMD	20	9
43.162.010	AMD	311	2	43.220.250	AMD	20	10
43.162.015	AMD	311	4	43.235.020	AMD	105	1
43.162.020	AMD	311	5	43.235.030	AMD	105	2
43.162.025	AMD	311	6	43.235.800	AMD	105	3
43.162.030	AMD	311	7	43.320.140	AMD	129	1
43.163.130	AMD	176	1	43.325.080	AMD	353	5
43.167.020	AMD	60	40	43.330	ADD	43	E1 615
43.185.050	AMD	50	E1 953				1008
43.185A.030	REMD	50	E1 954				1009
43.185C	ADD	36	E1 4,5	43.330	ADD	286	1
43.185C.180	AMD	239	1	43.330.010	AMD	286	4
43.185C.190	AMD	50	E1 955	43.330.080	AMD	286	2
43.185C.210	AMD	353	6	43.330.082	AMD	286	3
43.215	ADD	4	17	43.330.094	AMD	5	913
43.215	ADD	42	E1 12	43.330.175	REP	36	E1 34
43.215	ADD	295	1	43.330.250	REMD	50	E1 956
			4-6	43.336.020	AMD	50	E1 957
43.215	ADD	296	3	43.336.050	AMD	5	914
43.215.010	REMD	78	1	43.340.050	AMD	74	702
43.215.010	REMD	295	3	43.350.070	AMD	5	916
43.215.090	REMD	177	2	43.372.070	AMD	250	2
43.215.135	AMD	42	E1 11	44.05.020	AMD	60	41
43.215.146	AMD	32	E1 6	44.05.080	AMD	60	42
43.215.147	AMD	32	E1 7	44.05.110	AMD	60	43
43.215.200	AMD	253	3	44.20.050	AMD	156	6
43.215.200	AMD	359	2	44.28	ADD	10	E1 31
43.215.215	AMD	253	4	44.44.040	REMD	12	E1 7
43.215.215	AMD	295	2	46.01	ADD	370	3
43.215.260	AMD	297	1	46.01.040	AMD	171	10

**RCW SECTIONS AFFECTED BY 2011 STATUTES**

RCW		CH.	SEC.	RCW		CH.	SEC.
46.01.140	REMD	171	11	46.16.900	RECD	171	139
46.04	ADD	114	1,3	46.16A	ADD	114	5
46.04	ADD	121	1	46.16A	ADD	121	3
46.04	ADD	229	2	46.16A.030	REMD	96	31
46.04.1945	AMD	171	12	46.16A.030	REMD	171	43
46.04.1951	AMD	171	13	46.16A.060	AMD	114	6
46.04.1961	REP	171	137	46.16A.070	AMD	171	44
46.04.249	AMD	171	14	46.16A.080	AMD	171	45
46.04.265	AMD	171	15	46.16A.090	AMD	320	12
46.04.3815	REP	114	10	46.16A.120	AMD	375	8
46.04.3815	AMD	171	16	46.16A.120	AMD	375	9
46.04.391	RECD	171	138	46.16A.200	AMD	171	46
46.04.429	AMD	171	17	46.16A.210	AMD	171	47
46.04.437	AMD	332	2	46.16A.215	AMD	171	48
46.04.571	REP	114	10	46.16A.405	AMD	171	49
46.04.62260	AMD	171	18	46.16A.455	AMD	171	50
46.04.670	REMD	171	19	46.16A.510	AMD	171	51
46.04.671	AMD	171	20	46.16A.530	AMD	171	52
46.04.691	AMD	171	21	46.16A.540	AMD	171	53
46.04.692	AMD	171	22	46.16A.545	AMD	171	54
46.04.705	AMD	171	23	46.17	ADD	326	2
46.04.7051	REP	171	137	46.17.040	AMD	171	55
46.09.320	AMD	171	24	46.17.150	AMD	158	4
46.09.400	AMD	171	25	46.17.200	AMD	171	56
46.09.420	AMD	171	26	46.17.210	AMD	171	57
46.09.450	AMD	171	27	46.17.220	AMD	171	58
46.09.470	AMD	121	4	46.17.220	AMD	225	2
46.09.470	AMD	171	28	46.17.220	AMD	229	3
46.09.490	AMD	171	29	46.17.230	AMD	171	59
46.10.405	REP	171	137	46.17.315	AMD	171	60
46.10.440	AMD	171	30	46.17.355	AMD	171	61
46.10.470	AMD	171	31	46.17.400	AMD	171	62
46.10.490	AMD	171	32	46.18	ADD	243	2
46.10.500	AMD	171	33	46.18.010	AMD	171	63
46.10.510	AMD	171	34	46.18.020	AMD	171	64
46.12	ADD	114	2,4	46.18.030	REP	171	137
46.12	ADD	326	1	46.18.050	REMD	171	65
46.12.550	AMD	171	35	46.18.060	REMD	171	66
46.12.560	AMD	114	7	46.18.060	REMD	225	4
46.12.600	AMD	171	36	46.18.060	REMD	229	5
46.12.630	AMD	171	37	46.18.060	REMD	367	703
46.12.640	AMD	96	30	46.18.110	REMD	171	67
46.12.700	AMD	171	38	46.18.130	REMD	171	68
46.12.705	REP	114	10	46.18.200	AMD	171	69
46.12.710	REP	114	10	46.18.200	AMD	225	1
46.12.730	AMD	171	39	46.18.200	AMD	229	1
46.12.735	AMD	171	40	46.18.215	AMD	332	3
46.12.740	AMD	171	41	46.18.220	AMD	171	70
46.12.745	AMD	171	42	46.18.220	AMD	243	1
46.16.30922	REP	171	137	46.18.225	AMD	332	4

**RCW SECTIONS AFFECTED BY 2011 STATUTES**

RCW		CH.	SEC.	RCW		CH.	SEC.
46.18.230	AMD	332	5	46.61.500	AMD	293	4
46.18.235	AMD	332	6	46.61.502	AMD	293	2
46.18.255	AMD	171	71	46.61.504	AMD	293	3
46.18.270	AMD	332	7	46.61.5054	REMD	293	12
46.18.280	AMD	332	8	46.61.5055	AMD	96	35
46.18.285	AMD	171	72	46.61.5055	AMD	293	7
46.18.290	AMD	332	9	46.61.5056	AMD	293	13
46.18.295	AMD	171	73	46.61.5152	AMD	293	14
46.19.010	AMD	96	32	46.61.5249	AMD	293	5
46.19.050	AMD	171	74	46.61.582	AMD	171	80
46.19.060	AMD	171	75	46.61.613	AMD	332	1
46.20	ADD	350	1	46.61.710	AMD	171	81
46.20.049	AMD	227	6	46.61.723	AMD	171	82
46.20.075	AMD	60	44	46.61.725	AMD	171	83
46.20.120	REMD	370	4	46.63	ADD	375	2
46.20.157	AMD	43 E1	811	46.63.030	AMD	375	4
46.20.342	REMD	372	2	46.63.030	AMD	375	5
46.20.385	AMD	293	1	46.63.060	AMD	233	1
46.20.510	AMD	246	1	46.63.070	AMD	372	3
46.20.515	AMD	370	5	46.63.075	AMD	375	6
46.20.720	AMD	293	6	46.63.075	AMD	375	7
46.25	ADD	227	3	46.63.160	AMD	367	705
46.25.010	AMD	227	1	46.63.170	AMD	367	704
46.25.050	AMD	142	1	46.66.080	AMD	5	915
46.25.060	AMD	153	1	46.66.080	AMD	50 E1	958
46.25.080	REMD	227	2	46.68	ADD	161	3
46.25.090	AMD	227	4	46.68	ADD	272	1
46.30.020	AMD	171	76	46.68	ADD	326	3
46.32.080	AMD	171	77	46.68	ADD	373	3
46.32.100	AMD	227	5	46.68.020	AMD	171	84
46.32.120	AMD	171	78	46.68.030	AMD	171	85
46.37	ADD	114	8	46.68.060	AMD	298	26
46.37.010	AMD	171	79	46.68.060	AMD	367	718
46.37.470	AMD	224	1	46.68.090	AMD	120	4
46.37.480	AMD	368	1	46.68.110	AMD	120	5
46.37.518	AMD	114	9	46.68.113	AMD	353	7
46.37.650	AMD	96	33	46.68.160	DECD	120	14
46.44	ADD	242	1	46.68.170	AMD	367	715
46.44.037	AMD	230	1	46.68.220	AMD	367	719
46.44.0915	AMD	115	1	46.68.370	AMD	367	716
46.55	ADD	167	2-4	46.68.380	AMD	171	86
46.55.113	AMD	167	5	46.68.420	AMD	171	87
46.55.113	AMD	167	6	46.68.420	AMD	225	3
46.55.130	AMD	65	1	46.68.420	AMD	229	4
46.61	ADD	121	2	46.68.425	AMD	171	88
46.61	ADD	372	1	46.68.455	AMD	171	89
46.61.165	AMD	379	1	46.70.021	AMD	96	36
46.61.350	REMD	151	6	46.70.027	AMD	171	90
46.61.370	AMD	375	3	46.70.101	AMD	171	91
46.61.500	AMD	96	34	46.71.011	AMD	171	92



**RCW SECTIONS AFFECTED BY 2011 STATUTES**

RCW		CH.	SEC.	RCW		CH.	SEC.
46.71.080	AMD	171	93	47.26.084	AMD	120	6
46.72	ADD	190	5	47.26.086	AMD	120	7
46.72.110	AMD	298	27	47.26.140	AMD	120	9
46.72A	ADD	190	6	47.26.190	AMD	120	8
46.72A	ADD	374	12,14	47.26.345	AMD	14	3
46.72A.010	AMD	374	1	47.26.423	AMD	120	10
46.72A.020	AMD	374	2	47.26.425	AMD	120	11
46.72A.030	AMD	374	3	47.26.4252	AMD	120	12
46.72A.040	AMD	374	4	47.26.4254	AMD	120	13
46.72A.050	AMD	374	5	47.28.030	REMD	367	710
46.72A.060	AMD	374	6	47.28.251	AMD	43 E1	477
46.72A.080	AMD	374	7	47.29.170	AMD	367	701
46.72A.090	AMD	374	8	47.39.020	AMD	123	1
46.72A.100	AMD	374	9	47.52.025	AMD	379	3
46.72A.110	AMD	298	28	47.56	ADD	369	3-5
46.72A.120	AMD	374	10	47.56	ADD	377	2
46.72A.140	AMD	374	11	47.56.403	AMD	367	709
46.82	ADD	351	19	47.56.810	AMD	369	2
46.82	ADD	370	6	47.56.810	AMD	377	7
46.83	ADD	17	2	47.56.876	AMD	367	720
46.83	ADD	197	1,2	47.60	ADD	16 E1	2
46.85.100	AMD	171	94	47.60.315	AMD	16 E1	3
46.87.010	AMD	171	95	47.60.530	AMD	16 E1	1
46.87.023	AMD	171	96	47.64	ADD	16 E1	8-10
46.87.080	AMD	171	97				12
46.87.140	AMD	171	98				26,27
46.87.230	AMD	171	99	47.64.011	AMD	16 E1	24
46.87.294	AMD	171	100	47.64.080	REP	16 E1	28
46.87.296	AMD	171	101	47.64.090	REMD	16 E1	25
46.93.020	AMD	171	102	47.64.120	AMD	16 E1	7
47.01.380	AMD	367	708	47.64.130	AMD	16 E1	19
47.01.440	AMD	171	103	47.64.150	REP	16 E1	28
47.04	ADD	257	2-4	47.64.170	AMD	367	712
47.04	ADD	378	1	47.64.270	AMD	367	713
47.04	ADD	379	4	47.64.280	AMD	16 E1	20
47.04.290	AMD	379	2	47.64.300	AMD	16 E1	21
47.06B.020	AMD	15 E1	73	47.66	ADD	272	2
47.06B.020	AMD	60	45	47.68.090	AMD	51	1
47.06B.060	AMD	15 E1	74	47.76.280	AMD	161	1
47.06B.070	AMD	15 E1	75	47.76.290	AMD	161	2
47.06B.901	AMD	60	51	48.01.080	AMD	96	37
47.10.882	AMD	377	3	48.01.235	AMD	15 E1	76
47.10.886	REEN	377	4	48.02.120	AMD	312	1
47.10.887	AMD	377	5	48.02.150	AMD	47	2
47.10.888	AMD	377	6	48.02.190	AMD	47	3
47.12.063	AMD	376	1	48.03.060	AMD	47	4
47.12.063	AMD	376	2	48.05.200	AMD	47	5
47.12.244	AMD	367	717	48.05.210	REP	47	19
47.17.745	AMD	201	1	48.05.215	AMD	47	6
47.26.080	REP	120	1	48.10.170	AMD	47	7

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RCW		CH.	SEC.	RCW		CH.	SEC.
48.13	ADD	188	1-18	48.20.435	AMD	314	1
48.13.010	REP	188	22	48.21	ADD	159	4
48.13.020	REP	188	22	48.21.010	AMD	81	1
48.13.030	REP	188	22	48.21.157	AMD	314	17
48.13.040	REP	188	22	48.21.270	AMD	314	2
48.13.050	REP	188	22	48.31.105	AMD	96	38
48.13.060	REP	188	22	48.36A.350	AMD	47	11
48.13.070	REP	188	22	48.36A.360	AMD	96	39
48.13.080	REP	188	22	48.37.060	AMD	43 E1	460
48.13.090	REP	188	22	48.41.060	AMD	314	13
48.13.100	REP	188	22	48.41.080	AMD	314	14
48.13.110	REP	188	22	48.41.100	AMD	314	15
48.13.120	REP	188	22	48.41.100	AMD	315	5
48.13.125	REP	188	22	48.41.110	REMD	315	6
48.13.130	REP	188	22	48.41.140	AMD	314	16
48.13.140	REP	188	22	48.43	ADD	128	1
48.13.150	REP	188	22	48.43	ADD	314	18
48.13.160	REP	188	22	48.43	ADD	315	4
48.13.170	REP	188	22	48.43.005	REMD	314	3
48.13.180	REP	188	22	48.43.005	REMD	315	2
48.13.190	REP	188	22	48.43.008	AMD	15 E1	77
48.13.200	REP	188	22	48.43.012	AMD	315	3
48.13.210	REP	188	22	48.43.0121	REP	69	1
48.13.218	REP	188	22	48.43.517	AMD	15 E1	78
48.13.220	REP	188	22	48.43.530	AMD	314	4
48.13.230	REP	188	22	48.43.535	AMD	314	5
48.13.240	REP	188	22	48.44	ADD	159	5
48.13.250	REP	188	22	48.44.017	AMD	314	11
48.13.260	REP	188	22	48.44.215	AMD	314	6
48.13.265	REP	188	22	48.44.380	AMD	314	7
48.13.270	REP	188	22	48.46	ADD	159	6
48.13.273	REP	188	22	48.46.062	AMD	314	12
48.13.275	REP	188	22	48.46.325	AMD	314	8
48.13.280	REP	188	22	48.46.460	AMD	314	9
48.13.285	REP	188	22	48.62.021	AMD	43 E1	520
48.13.290	REP	188	22	48.64.010	AMD	43 E1	521
48.13.340	REP	188	22	48.85.030	AMD	47	12
48.13.350	AMD	188	20	48.94.010	AMD	47	13
48.14.0201	AMD	47	8	48.102.011	AMD	47	14
48.15	ADD	31	1,4,5	48.102.021	AMD	47	15
48.15.040	AMD	31	2	48.110.020	REMD	171	104
48.15.040	AMD	31	3	48.110.030	AMD	47	16
48.15.090	AMD	31	6	48.110.055	AMD	47	17
48.15.110	AMD	31	7	48.155.020	AMD	47	18
48.15.120	AMD	31	8	49.04	ADD	308	6
48.15.150	AMD	47	9	49.04.010	AMD	21 E1	22
48.17.380	AMD	47	10	49.04.010	AMD	308	1
48.18.430	AMD	162	4	49.04.030	AMD	308	2
48.20	ADD	159	3	49.04.040	AMD	308	3
48.20.025	AMD	314	10	49.04.050	AMD	308	4

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RCW		CH.	SEC.	RCW		CH.	SEC.
49.04.060	AMD	308	5	50.38.015	AMD	60	46
49.17	ADD	37 E1	501	50.40.071	AMD	171	105
49.17	ADD	39	2,3	51.04	ADD	37 E1	301-303
49.17.140	AMD	91	1				306,701
49.17.140	AMD	301	13				801
49.17.190	AMD	96	40	51.04.030	AMD	290	1
49.24.060	AMD	96	41	51.04.082	AMD	290	2
49.26.110	AMD	301	14	51.04.110	AMD	37 E1	502
49.28.130	AMD	251	1	51.12	ADD	190	1,2,4
49.40.060	AMD	301	15	51.16	ADD	190	3
49.44.010	AMD	96	42	51.16.105	AMD	175	1
49.46.010	REMD	43 E1	461	51.18	ADD	290	3
49.46.010	AMD	43 E1	462	51.24.060	AMD	290	4
49.48.083	AMD	301	16	51.32.072	AMD	37 E1	201
49.60	ADD	237	2	51.32.075	AMD	37 E1	202
49.60.210	AMD	42 E1	25	51.32.080	AMD	37 E1	401
49.60.215	AMD	237	1	51.32.090	REMD	37 E1	101
49.74.020	AMD	43 E1	463	51.32.095	AMD	291	1
49.74.030	AMD	43 E1	464	51.32.099	AMD	291	2
49.86.030	AMD	25 E1	1	51.32.240	AMD	290	6
49.86.210	AMD	25 E1	2	51.36	ADD	290	5
49.90.010	AMD	43 E1	465	51.36.010	AMD	6	1
50.04	ADD	264	2	51.44	ADD	37 E1	601
50.04.075	AMD	4	12	51.44.100	AMD	37 E1	602
50.04.245	AMD	264	1	51.44.170	AMD	5	917
50.13.060	AMD	43 E1	466	51.48.120	AMD	290	7
50.16.030	AMD	4	4	51.48.150	AMD	290	8
50.20	ADD	4	1	51.52.050	AMD	290	9
50.20.099	AMD	4	7	51.52.120	AMD	37 E1	304
50.20.120	AMD	4	2	52.04.071	AMD	10	82
50.20.130	AMD	4	13	52.12	ADD	200	1
50.20.190	AMD	301	17	52.26	ADD	271	2
50.22.010	AMD	3	1	52.26.020	AMD	141	1
50.22.010	AMD	4	5	52.26.040	AMD	141	2
50.22.130	AMD	4	8	52.26.080	AMD	141	3
50.22.140	AMD	4	10	52.26.100	AMD	271	1
50.22.155	AMD	3	2	53.08.030	AMD	11	1
50.22.155	AMD	4	6	53.08.320	AMD	247	3
50.22.155	AMD	4	9	53.12.260	AMD	152	1
50.22.157	AMD	4	15	54.04.050	AMD	30	1
50.24.014	AMD	4	11	54.16	ADD	226	1
50.24.070	AMD	301	18	54.16.180	AMD	285	1
50.24.110	AMD	301	19	54.28.090	AMD	361	1
50.24.115	AMD	301	20	54.52.010	AMD	29	1
50.29.021	AMD	4	3	57.08.016	AMD	90	1
50.29.021	AMD	4	14	59.18	ADD	132	6
50.29.025	AMD	3	3	59.18.030	REMD	132	1
50.29.025	AMD	4	16	59.18.060	AMD	132	2
50.36.010	AMD	96	43	59.18.063	AMD	132	4
50.36.020	AMD	96	44	59.18.100	AMD	132	5

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RCW		CH.	SEC.	RCW		CH.	SEC.
59.18.110	AMD	132	7	62A.7-204	AMD	336	828
59.18.130	AMD	132	8	62A.7-205	AMD	336	829
59.18.150	AMD	132	9	62A.7-206	AMD	336	830
59.18.180	AMD	132	10	62A.7-207	AMD	336	831
59.18.230	AMD	132	11	62A.7-209	AMD	336	832
59.18.253	AMD	132	12	62A.7-210	AMD	336	833
59.18.260	AMD	132	13	62A.7-401	AMD	336	834
59.18.270	AMD	132	14	62A.7-403	AMD	336	835
59.18.285	AMD	132	15	62A.8-103	AMD	74	706
59.18.310	AMD	132	16	62A.9A-102	AMD	74	101
59.18.312	AMD	132	17	62A.9A-105	AMD	74	102
59.18.380	AMD	132	18	62A.9A-209	AMD	74	707
59.18.390	AMD	132	19	62A.9A-307	AMD	74	201
59.18.410	AMD	132	20	62A.9A-309	AMD	74	708
59.20	ADD	168	1	62A.9A-310	AMD	74	709
59.20.190	AMD	27	2	62A.9A-311	AMD	74	202
59.20.300	AMD	158	5	62A.9A-313	AMD	74	710
59.21.050	AMD	158	7	62A.9A-316	AMD	74	203
59.22.010	AMD	158	1	62A.9A-317	AMD	74	204
59.22.020	AMD	158	6	62A.9A-320	AMD	74	711
59.22.050	AMD	158	2	62A.9A-326	AMD	74	205
59.22.070	REP	158	13	62A.9A-328	AMD	74	712
59.22.090	REP	158	13	62A.9A-335	AMD	74	713
59.30	ADD	298	33	62A.9A-337	AMD	74	714
59.30.010	AMD	298	29	62A.9A-338	AMD	74	715
59.30.020	AMD	298	30	62A.9A-405	AMD	74	716
59.30.050	AMD	298	31	62A.9A-406	AMD	74	301
59.30.060	AMD	298	32	62A.9A-408	AMD	74	302
60.11.040	AMD	74	704	62A.9A-503	AMD	74	401
60.28.011	REMD	231	2	62A.9A-505	AMD	74	717
60.56.015	AMD	74	703	62A.9A-506	AMD	74	718
60.60.010	AMD	336	822	62A.9A-507	AMD	74	402
61.24	ADD	58	6-13	62A.9A-508	AMD	74	719
			16	62A.9A-510	AMD	74	720
61.24	ADD	364	1	62A.9A-515	AMD	74	403
61.24.---	AMD	24 E1	1	62A.9A-516	AMD	74	404
61.24.005	REMD	58	3	62A.9A-518	AMD	74	405
61.24.005	REMD	364	3	62A.9A-520	AMD	74	721
61.24.030	AMD	58	4	62A.9A-521	AMD	74	406
61.24.031	AMD	58	5	62A.9A-601	AMD	74	722
61.24.127	AMD	364	2	62A.9A-602	AMD	74	723
61.24.135	AMD	58	14	62A.9A-607	AMD	74	501
62A.9A	ADD	74	602-608	62A.9A-611	AMD	74	724
62A.2-705	AMD	336	823	62A.9A-621	AMD	74	725
62A.2A-103	AMD	74	701	62A.9A-625	AMD	74	726
62A.2A-310	AMD	74	705	62A.9A-628	AMD	74	727
62A.2A-526	AMD	336	824	63.29.020	AMD	116	1
62A.7-102	AMD	336	825	63.29.340	REMD	96	45
62A.7-201	AMD	336	826	64	ADD	36	1-7
62A.7-202	AMD	336	827	64.06.015	REMD	200	3

**RCW SECTIONS AFFECTED BY 2011 STATUTES**

RCW		CH.	SEC.	RCW		CH.	SEC.
64.06.020	REMD	200	4	66.28.040	AMD	62	4
64.34.010	REMD	189	6	66.28.040	AMD	119	207
64.34.020	AMD	189	1	66.28.040	AMD	186	4
64.34.308	AMD	189	2	66.28.042	AMD	119	208
64.34.380	AMD	189	3	66.28.043	AMD	119	209
64.34.382	AMD	189	4	66.28.155	AMD	119	210
64.34.384	AMD	189	5	66.28.190	AMD	119	211
64.34.425	AMD	48	1	66.28.290	AMD	119	202
64.36	ADD	351	20	66.28.290	AMD	325	6
64.38	ADD	189	9-14	66.28.295	AMD	66	2
64.38.010	AMD	189	7	66.28.310	REMD	66	3
64.38.025	AMD	189	8	66.28.310	REMD	119	101
64.44.050	AMD	171	106	66.44.120	AMD	96	46
66	ADD	45 E1	1-6	66.44.180	AMD	96	47
66.04.010	REMD	195	3	67.08	ADD	351	21
66.04.010	REMD	325	2	67.16.012	AMD	21 E1	13
66.08.050	AMD	45 E1	7	67.16.105	AMD	12	1
66.08.050	AMD	186	2	67.16.280	AMD	12	2
66.08.070	AMD	45 E1	8	67.17.050	AMD	21 E1	29
66.08.170	AMD	50 E1	959	67.28.180	AMD	38 E1	1
66.08.180	AMD	325	7	67.70	ADD	352	2
66.08.190	AMD	50 E1	960	67.70.240	AMD	352	3
66.08.220	AMD	325	8	67.70.260	AMD	50 E1	962
66.08.235	AMD	5	918	68.50.050	AMD	96	48
66.08.235	AMD	50 E1	961	68.50.070	AMD	265	1
66.16.041	AMD	42 E1	16	68.50.105	REMD	61	1
66.16.070	AMD	186	3	68.50.107	AMD	325	9
66.20.010	AMD	119	213	68.50.160	AMD	265	2
66.20.300	AMD	325	5	68.52.220	AMD	60	47
66.20.310	AMD	325	4	69	ADD	281	1-11
66.24	ADD	42 E1	15	69.07.100	AMD	281	13
66.24	ADD	325	1	69.07.120	AMD	281	12
66.24.010	AMD	195	1	69.25	ADD	306	3-5
66.24.170	AMD	62	2	69.25.020	AMD	306	1
66.24.240	AMD	119	212	69.25.050	AMD	306	2
66.24.240	AMD	195	6	69.25.150	AMD	336	836
66.24.244	REMD	62	3	69.25.250	AMD	306	6
66.24.244	REMD	195	5	69.30.010	AMD	194	1
66.24.310	AMD	119	301	69.30.020	AMD	194	2
66.24.360	AMD	119	203	69.30.030	AMD	194	3
66.24.371	AMD	119	204	69.30.050	AMD	194	4
66.24.371	AMD	195	4	69.30.060	AMD	194	5
66.24.400	AMD	119	401	69.30.080	AMD	194	6
66.24.410	AMD	195	2	69.30.085	AMD	194	7
66.24.440	AMD	325	3	69.30.110	AMD	194	8
66.24.450	AMD	119	402	69.30.140	AMD	194	9
66.24.570	AMD	119	205	69.41.030	AMD	15 E1	79
66.24.580	AMD	119	206	69.41.030	AMD	336	837
66.24.590	AMD	119	403	69.41.190	AMD	15 E1	80
66.28.010	REP	119	201	69.43.135	AMD	336	838

**RCW SECTIONS AFFECTED BY 2011 STATUTES**

RCW		CH.	SEC.	RCW		CH.	SEC.
69.50.302	AMD	336	839	70.87.205	AMD	301	24
69.51A	ADD	181	402-406	70.93.180	AMD	50 E1	963
			408,409	70.94.430	AMD	96	49
			413	70.94.537	AMD	21 E1	26
			1001	70.95.240	AMD	279	1
			1101-	70.95J.060	AMD	96	50
			1103	70.96A.037	AMD	89	9
			1105	70.96A.350	REMD	40 E1	34
69.51A.005	AMD	181	102	70.96A.530	AMD	36 E1	11
69.51A.020	AMD	181	103	70.96B.010	AMD	89	10
69.51A.030	AMD	181	301	70.97.010	AMD	89	11
69.51A.040	AMD	181	401	70.105.090	AMD	96	51
69.51A.060	AMD	181	501	70.105D.070	AMD	50 E1	964
69.51A.080	REP	181	1204	70.107.030	AMD	171	107
69.51A.900	AMD	181	1106	70.119A	ADD	331	4
70	ADD	32 E1	1-3	70.119A.110	AMD	102	1
70	ADD	248	2-7	70.120.010	AMD	171	108
70	ADD	268	1,2	70.120.160	AMD	171	109
70.01.010	AMD	15 E1	81	70.120.170	AMD	171	110
70.01.010	AMD	27	3	70.123.110	AMD	36 E1	16
70.02	ADD	30 E1	8	70.126.020	AMD	89	12
70.02.900	AMD	305	10	70.127.010	AMD	89	13
70.05.150	AMD	27	4	70.127.040	REMD	366	6
70.24.105	REMD	232	1	70.127.041	REP	21 E1	3
70.24.340	AMD	232	2	70.128.005	AMD	3 E1	201
70.41.130	AMD	302	3	70.128.050	AMD	3 E1	202
70.44.060	AMD	37	1	70.128.060	AMD	3 E1	403
70.44.460	AMD	95	1	70.128.065	AMD	3 E1	203
70.47	ADD	4	18	70.128.070	AMD	3 E1	204
70.47	ADD	9 E1	5	70.128.120	AMD	3 E1	205
70.47.010	AMD	15 E1	82	70.128.125	AMD	3 E1	302
70.47.020	REMD	9 E1	3	70.128.130	AMD	3 E1	206
70.47.020	AMD	15 E1	83	70.128.140	AMD	3 E1	207
70.47.020	REMD	205	1	70.128.160	AMD	3 E1	208
70.47.020	REMD	284	1	70.128.175	REP	3 E1	210
70.47.060	AMD	284	2	70.128.220	AMD	3 E1	209
70.47.100	AMD	9 E1	4	70.129.040	AMD	3 E1	301
70.47.100	AMD	316	5	70.138.070	AMD	96	52
70.47.110	AMD	15 E1	84	70.168.020	AMD	21 E1	28
70.47A.020	AMD	287	1	70.168.040	AMD	15 E1	86
70.47A.030	AMD	287	2	70.190.005	REP	32 E1	13
70.47A.050	AMD	287	3	70.190.010	REP	32 E1	13
70.47A.110	AMD	287	4	70.190.020	REP	32 E1	13
70.48	ADD	236	2	70.190.040	AMD	32 E1	11
70.48.130	AMD	15 E1	85	70.190.040	RECD	32 E1	15
70.54.240	AMD	38	1	70.190.100	REP	32 E1	13
70.74.300	AMD	336	840	70.190.110	REP	32 E1	13
70.79.320	AMD	301	21	70.190.120	REP	32 E1	13
70.87.125	AMD	301	22	70.190.130	REP	32 E1	13
70.87.185	AMD	301	23	70.190.150	REP	32 E1	13

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RCW		CH.	SEC.	RCW		CH.	SEC.
70.190.920	REP	32	E1 13	72.09	ADD	107	1
70.210.010	AMD	14	E1 7	72.09	ADD	252	2-7
70.210.020	AMD	14	E1 8	72.09.015	AMD	21	E1 38
70.210.030	AMD	14	E1 9	72.09.015	AMD	282	1
70.210.040	AMD	14	E1 10	72.09.070	AMD	21	E1 35
70.210.050	AMD	14	E1 11	72.09.080	AMD	21	E1 40
70.210.060	AMD	14	E1 12	72.09.090	AMD	21	E1 36
70.210.070	AMD	14	E1 13	72.09.100	AMD	21	E1 37
70.210.070	RECD	14	E1 19	72.09.100	AMD	100	1
70.225.040	AMD	15	E1 87	72.09.111	REMD	282	2
70.230	ADD	76	3	72.09.345	AMD	338	5
70.230.010	AMD	76	1	72.09.480	AMD	282	3
70.230.040	AMD	76	2	72.09.585	AMD	40	E1 24
70.250	ADD	313	3	72.11.040	AMD	40	E1 13
70.250.010	AMD	313	2	72.23.025	AMD	21	E1 1
70.250.020	REP	313	5	72.62.020	AMD	21	E1 39
70.250.030	AMD	313	4	72.66.016	AMD	40	E1 35
70.285.020	AMD	171	111	73.08.005	AMD	36	E1 17
71.05	ADD	343	2,3	73.16	ADD	144	1
71.05.020	REMD	89	14	73.24.020	AMD	43	E1 257
71.05.020	REMD	148	1	74	ADD	7	E1 12-21
71.05.110	AMD	343	5				24
71.05.150	AMD	148	5	74	ADD	36	E1 1-3
71.05.153	AMD	148	2				7
71.05.153	AMD	305	8	74.04	ADD	42	E1 21,24
71.05.190	AMD	305	3	74.04.005	AMD	15	E1 61
71.05.230	REMD	343	9	74.04.005	AMD	36	E1 8
71.05.385	AMD	40	E1 23	74.04.0052	AMD	36	E1 18
71.05.390	REMD	305	4	74.04.012	AMD	42	E1 22
71.05.425	AMD	305	5	74.04.015	AMD	15	E1 62
71.09.300	AMD	19	1	74.04.025	AMD	15	E1 63
71.12.590	AMD	302	4	74.04.050	AMD	15	E1 64
71.24.035	REMD	148	4	74.04.055	AMD	15	E1 65
71.24.160	AMD	343	6	74.04.060	AMD	15	E1 66
71.32.020	AMD	89	15	74.04.062	AMD	15	E1 67
71.34	ADD	302	2,5	74.04.120	REP	36	E1 34
71.34	ADD	343	4	74.04.225	AMD	36	E1 19
71.34.020	AMD	89	16	74.04.230	AMD	36	E1 20
71.34.300	AMD	343	7	74.04.266	AMD	36	E1 21
71.34.330	AMD	343	8	74.04.270	REP	15	E1 121
71.34.340	AMD	305	9	74.04.290	AMD	15	E1 68
71.34.375	AMD	302	1	74.04.620	AMD	36	E1 22
71A.10.020	AMD	30	E1 3	74.04.652	AMD	36	E1 23
71A.18.040	AMD	30	E1 9	74.04.655	AMD	36	E1 24
71A.20	ADD	30	E1 6	74.04.657	AMD	36	E1 25
71A.20.010	AMD	30	E1 4	74.04.770	AMD	36	E1 26
71A.20.020	AMD	30	E1 5	74.04.810	REP	36	E1 34
71A.20.080	AMD	30	E1 10	74.08.025	AMD	42	E1 7
71A.20.170	AMD	30	E1 12	74.08.043	AMD	36	E1 27
72.04A.120	AMD	40	E1 12	74.08.278	AMD	36	E1 28

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RCW		CH.	SEC.	RCW		CH.	SEC.
74.08.331	AMD	96	53	74.09.520	AMD	15 E1	27
74.08.335	AMD	36 E1	29	74.09.521	AMD	15 E1	28
74.08.580	AMD	42 E1	14	74.09.522	REMD	9 E1	2
74.08A	ADD	42 E1	5	74.09.522	REMD	15 E1	29
74.08A.010	AMD	42 E1	6	74.09.522	REMD	316	4
74.08A.210	AMD	36 E1	30	74.09.5221	REP	15 E1	121
74.08A.250	AMD	42 E1	8	74.09.5222	AMD	15 E1	30
74.08A.260	AMD	42 E1	2	74.09.5225	AMD	15 E1	31
74.08A.440	AMD	36 E1	31	74.09.5227	REP	15 E1	121
74.09	ADD	1 E1	2	74.09.530	AMD	15 E1	32
74.09	ADD	4	19	74.09.540	AMD	15 E1	33
74.09	ADD	15 E1	53,126	74.09.555	AMD	15 E1	34
74.09	ADD	41 E1	1	74.09.555	AMD	36 E1	32
74.09	ADD	305	2	74.09.565	AMD	15 E1	35
74.09	ADD	316	1	74.09.575	AMD	15 E1	36
74.09.010	REMD	15 E1	2	74.09.585	AMD	15 E1	37
74.09.010	REMD	316	2	74.09.595	AMD	15 E1	38
74.09.015	AMD	15 E1	122	74.09.655	AMD	15 E1	39
74.09.035	REMD	15 E1	3	74.09.658	AMD	15 E1	40
74.09.035	AMD	36 E1	6	74.09.659	AMD	15 E1	41
74.09.035	REMD	284	3	74.09.659	AMD	41 E1	2
74.09.037	AMD	15 E1	4	74.09.700	AMD	15 E1	42
74.09.050	AMD	15 E1	5	74.09.710	AMD	15 E1	43
74.09.055	AMD	15 E1	6	74.09.715	AMD	15 E1	44
74.09.075	AMD	15 E1	7	74.09.720	AMD	15 E1	45
74.09.080	AMD	15 E1	8	74.09.725	AMD	15 E1	46
74.09.085	REP	15 E1	121	74.09.730	AMD	15 E1	47
74.09.110	REP	15 E1	121	74.09.755	REP	15 E1	121
74.09.120	AMD	15 E1	9	74.09.770	AMD	15 E1	48
74.09.160	AMD	15 E1	10	74.09.790	AMD	15 E1	49
74.09.180	AMD	15 E1	11	74.09.800	AMD	15 E1	50
74.09.185	AMD	15 E1	12	74.09.810	AMD	15 E1	51
74.09.190	AMD	15 E1	13	74.09.820	AMD	15 E1	52
74.09.200	AMD	15 E1	14	74.09A.005	AMD	15 E1	117
74.09.210	AMD	15 E1	15	74.09A.010	AMD	15 E1	118
74.09.240	AMD	15 E1	16	74.09A.020	AMD	15 E1	119
74.09.260	AMD	15 E1	17	74.09A.030	AMD	15 E1	120
74.09.270	AMD	96	54	74.12	ADD	42 E1	4
74.09.280	AMD	15 E1	18	74.13	ADD	330	8
74.09.290	AMD	15 E1	19	74.13.020	AMD	330	4
74.09.300	AMD	15 E1	20	74.13.029	AMD	89	17
74.09.470	AMD	15 E1	21	74.13.031	REMD	160	2
74.09.470	AMD	33 E1	1	74.13.031	REMD	330	5
74.09.470	AMD	33 E1	2	74.13.032	AMD	240	1
74.09.480	AMD	15 E1	22	74.13.350	AMD	309	34
74.09.490	AMD	15 E1	23	74.13.621	AMD	50 E1	965
74.09.500	AMD	15 E1	24	74.13.640	AMD	61	2
74.09.510	AMD	15 E1	25	74.14A.060	AMD	32 E1	10
74.09.510	AMD	36 E1	9	74.14C.050	REP	32 E1	14
74.09.515	AMD	15 E1	26	74.15.220	AMD	240	2



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RCW		CH.	SEC.	RCW		CH.	SEC.
74.15.255	AMD	240	3	74.60.020	AMD	35 E1	1
74.20.040	AMD	42 E1	9	74.60.090	AMD	35 E1	2
74.20.330	AMD	42 E1	10	76.09.050	AMD	207	1
74.31.005	AMD	143	1	76.09.190	AMD	96	55
74.31.020	AMD	143	2	76.09.240	AMD	207	2
74.31.030	AMD	143	3	76.13	ADD	218	4,5
74.31.040	AMD	143	4	76.13.120	AMD	218	1
74.31.050	AMD	143	5	76.13.140	AMD	218	2
74.31.060	AMD	143	6	76.13.160	AMD	218	3
74.34	ADD	170	3	76.44	ADD	187	6,7
74.34.020	AMD	89	18	76.44.020	AMD	187	3
74.34.020	AMD	170	1	76.44.030	AMD	187	4
74.34.021	REP	170	4	76.44.050	AMD	187	5
74.34.067	AMD	170	2	76.44.070	AMD	187	2
74.39A	ADD	3 E1	501,502	76.48.121	AMD	298	34
74.39A.050	AMD	31 E1	5	76.48.151	AMD	96	56
74.39A.055	AMD	31 E1	6	77.08.010	AMD	324	3
74.39A.073	AMD	31 E1	7	77.08.045	AMD	21 E1	17
74.39A.075	AMD	31 E1	8	77.08.045	AMD	339	2
74.39A.085	AMD	31 E1	9	77.12	ADD	20	15
74.39A.095	AMD	21 E1	5	77.12.170	AMD	171	112
74.39A.095	AMD	31 E1	14	77.12.170	AMD	320	23
74.39A.220	AMD	21 E1	6	77.12.170	AMD	339	3
74.39A.230	REP	21 E1	3	77.12.177	AMD	339	4
74.39A.240	AMD	21 E1	7	77.12.670	AMD	21 E1	15
74.39A.250	AMD	21 E1	8	77.12.680	REP	21 E1	14
74.39A.260	AMD	21 E1	9	77.12.690	AMD	21 E1	16
74.39A.260	AMD	31 E1	10	77.12.850	AMD	21 E1	20
74.39A.270	REMD	21 E1	10	77.12.856	REP	21 E1	19
74.39A.280	REP	21 E1	3	77.12.879	AMD	169	4
74.39A.290	DECD	21 E1	4	77.12.879	AMD	171	113
74.39A.330	AMD	31 E1	11	77.15	ADD	324	2
74.39A.340	AMD	31 E1	12	77.15.020	AMD	320	17
74.39A.350	AMD	31 E1	13	77.15.410	AMD	133	1
74.42	ADD	366	7	77.15.750	AMD	320	20
74.42.010	REMD	89	19	77.32.010	AMD	320	19
74.42.010	REMD	228	2	77.32.050	AMD	339	5
74.46	ADD	7 E1	10	77.32.240	AMD	339	6
74.46.431	AMD	7 E1	1	77.32.350	AMD	339	7
74.46.433	REP	7 E1	23	77.32.370	AMD	339	8
74.46.435	AMD	7 E1	2	77.32.380	REP	320	28
74.46.437	AMD	7 E1	3	77.32.430	AMD	339	9
74.46.485	AMD	7 E1	4	77.32.450	AMD	339	10
74.46.496	AMD	7 E1	5	77.32.460	AMD	339	11
74.46.501	AMD	7 E1	6	77.32.470	AMD	339	12
74.46.506	AMD	7 E1	7	77.32.510	REP	339	38
74.46.515	AMD	7 E1	8	77.32.520	AMD	339	13
74.46.521	AMD	7 E1	9	77.32.560	AMD	320	18
74.50.055	AMD	36 E1	10	77.32.580	AMD	339	14
74.50.060	AMD	36 E1	33	77.65	ADD	147	1,6

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RCW		CH.	SEC.	RCW		CH.	SEC.
77.65.020	AMD	339	15	79.100.030	AMD	247	4
77.65.090	AMD	339	16	79.100.110	AMD	247	1
77.65.110	AMD	339	17	79.100.130	AMD	247	2
77.65.150	AMD	339	18	79.105.150	AMD	50 E1	967
77.65.160	AMD	339	19	79A	ADD	320	1-10
77.65.170	AMD	339	20	79A.05.020	AMD	171	114
77.65.190	AMD	339	21	79A.05.065	AMD	171	115
77.65.200	AMD	339	22	79A.05.070	AMD	320	24
77.65.210	AMD	147	3	79A.05.160	AMD	320	15
77.65.210	AMD	339	23	79A.05.215	AMD	320	22
77.65.220	AMD	147	4	79A.05.225	AMD	171	116
77.65.220	AMD	339	24	79A.05.225	AMD	320	25
77.65.280	AMD	339	25	79A.05.500	REP	20	17
77.65.340	AMD	339	26	79A.05.505	REP	20	17
77.65.390	AMD	339	27	79A.05.510	REP	20	17
77.65.440	AMD	339	28	79A.05.515	REP	20	17
77.65.450	AMD	339	29	79A.05.520	REP	20	17
77.65.480	AMD	339	30	79A.05.525	REP	20	17
77.65.510	AMD	339	31	79A.05.530	REP	20	17
77.70	ADD	147	2	79A.05.535	REP	20	17
77.70.005	AMD	147	5	79A.05.540	REP	20	17
77.70.080	AMD	339	32	79A.05.545	AMD	20	14
77.70.190	AMD	339	33	79A.05.630	AMD	184	1
77.70.220	AMD	339	34	79A.25.220	REP	21 E1	2
77.70.260	AMD	339	35	79A.25.310	AMD	154	2
77.70.490	AMD	339	36	79A.25.370	AMD	154	3
77.85.130	REMD	20	16	79A.25.830	AMD	60	48
77.105	ADD	266	4	79A.30.030	AMD	21 E1	32
77.105.005	AMD	266	1	79A.35	ADD	56	1
77.105.020	AMD	266	2	79A.45	ADD	276	1
77.105.030	AMD	266	3	79A.60.485	AMD	298	35
77.105.040	REP	266	7	79A.60.510	AMD	171	117
77.105.050	AMD	266	5	79A.60.630	AMD	171	118
77.105.060	REP	266	7	79A.60.670	AMD	171	119
77.105.070	REP	266	7	80	ADD	180	201,202
77.105.080	REP	266	7	80.04	ADD	180	303,304
77.105.090	REP	266	7	80.04	ADD	214	4
77.105.100	REP	266	7	80.04.010	AMD	28	1
77.105.110	REP	266	7	80.04.010	AMD	214	2
77.105.120	REP	266	7	80.04.110	AMD	214	7
77.105.130	REP	266	7	80.04.160	AMD	214	8
77.105.160	AMD	266	6	80.04.250	AMD	214	9
77.115.040	AMD	339	37	80.04.500	AMD	214	10
79	ADD	216	1-12	80.28	ADD	28	2
			18	80.28	ADD	214	3,5,6
79.02.010	REMD	216	17	80.28.010	AMD	214	11
79.17.210	AMD	216	13	80.28.020	AMD	214	12
79.64.020	AMD	216	15	80.28.030	AMD	214	13
79.64.040	AMD	50 E1	966	80.28.040	AMD	214	14
79.64.040	AMD	216	16	80.28.050	AMD	214	15

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RCW		CH.	SEC.	RCW		CH.	SEC.
80.28.060	AMD	214	16	82.04.4481	REEN	174	302
80.28.080	AMD	214	17	82.04.4495	REP	2	305
80.28.090	AMD	214	18	82.04.460	AMD	174	203
80.28.100	AMD	214	19	82.04.645	AMD	174	102
80.28.110	AMD	214	20	82.08	ADD	23	4
80.28.120	AMD	214	21	82.08	ADD	55	2
80.28.130	AMD	214	22	82.08	ADD	258	12
80.28.185	AMD	214	23	82.08.020	AMD	171	120
80.28.240	AMD	214	24	82.08.02525	AMD	60	49
80.28.270	AMD	214	25	82.08.0255	AMD	16 E1	4
80.28.275	AMD	214	26	82.08.02565	AMD	23	2
80.36.430	AMD	5	919	82.08.0273	AMD	7	1
80.36.430	AMD	50 E1	968	82.08.0293	AMD	2	301
80.50.071	AMD	261	1	82.08.0293	AMD	2	302
80.50.100	AMD	180	109	82.08.0297	AMD	174	103
80.70	ADD	180	306	82.08.160	AMD	50 E1	969
80.80	ADD	180	106-108	82.08.805	REEN	174	303
80.80.010	REMD	180	102	82.08.806	AMD	174	204
80.80.040	AMD	180	103	82.08.820	AMD	174	205
80.80.060	REMD	180	104	82.08.820	AMD	174	206
80.80.070	AMD	180	105	82.08.991	REP	2	305
81.72	ADD	190	7,8	82.08.992	REP	2	305
81.104.100	AMD	127	1	82.12	ADD	23	5
81.104.110	AMD	127	2	82.12	ADD	55	3
82.01.060	AMD	298	36	82.12	ADD	258	13
82.02.010	AMD	298	37	82.12.022	REEN	174	304
82.02.070	AMD	353	8	82.12.02525	AMD	60	50
82.02.080	AMD	353	9	82.12.0256	AMD	16 E1	5
82.02.100	AMD	331	3	82.12.0293	AMD	2	303
82.04	ADD	19 E1	1	82.12.0293	AMD	2	304
82.04	ADD	26 E1	1	82.12.0297	AMD	174	104
82.04	ADD	55	1	82.12.040	AMD	20 E1	103
82.04	ADD	163	1	82.12.800	AMD	171	121
82.04	ADD	258	11	82.12.801	AMD	171	122
82.04.050	REMD	174	202	82.12.805	REEN	174	305
82.04.120	AMD	23	3	82.12.991	REP	2	305
82.04.220	AMD	20 E1	101	82.12.992	REP	2	305
82.04.255	AMD	322	2	82.14.049	AMD	174	107
82.04.260	AMD	2	203	82.14.310	AMD	50 E1	970
82.04.264	REP	2	201	82.14.320	AMD	50 E1	971
82.04.290	AMD	174	101	82.14.330	AMD	50 E1	972
82.04.2909	REEN	174	301	82.14.380	AMD	5	920
82.04.294	AMD	179	1	82.14.390	AMD	50 E1	973
82.04.298	AMD	2	204	82.14.415	AMD	353	10
82.04.333	AMD	101	4	82.14.430	AMD	171	123
82.04.394	REP	26 E1	2	82.14.460	AMD	347	1
82.04.4266	AMD	2	202	82.14.465	AMD	363	3
82.04.4297	AMD	19 E1	2	82.14.470	AMD	363	4
82.04.431	AMD	19 E1	3	82.14.500	AMD	50 E1	974
82.04.440	AMD	2	205	82.16	ADD	258	14

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RCW		CH.	SEC.	RCW		CH.	SEC.
82.16.020	AMD	48 E1	7032	84.52.069	AMD	365	2
82.16.020	AMD	48 E1	7033	84.52.120	AMD	28 E1	3
82.16.110	REMD	179	2	85.38.125	AMD	10	83
82.16.120	REMD	179	3	86.09.720	AMD	258	15
82.16.140	REP	20 E1	102	86.15.035	AMD	258	16
82.18.040	AMD	48 E1	7034	86.26.007	AMD	50 E1	976
82.24.026	AMD	334	1	87.03.136	AMD	50	1
82.32	ADD	13 E1	10	88.02	ADD	326	4
82.32	ADD	131	2	88.02.530	AMD	171	127
82.32.030	AMD	298	38	88.02.560	AMD	171	128
82.32.080	REMD	24	1	88.02.560	AMD	171	129
82.32.085	AMD	24	2	88.02.590	AMD	171	130
82.32.090	AMD	24	3	88.02.595	AMD	171	131
82.32.115	REP	174	402	88.02.610	AMD	171	132
82.32.117	AMD	174	401	88.02.620	AMD	171	133
82.32.210	AMD	131	1	88.02.640	AMD	169	1
82.32.330	REMD	174	404	88.02.640	AMD	171	134
82.32.570	REP	20 E1	102	88.02.640	AMD	326	5
82.32.585	AMD	23	6	88.02.650	AMD	171	135
82.32.590	REEN	174	306	88.02.655	REP	171	137
82.32.665	AMD	174	207	88.08.050	AMD	96	58
82.36.400	AMD	96	57	88.46	ADD	122	2-5
82.45.030	AMD	58	15				7
82.45.060	AMD	48 E1	7035	88.46.010	REMD	122	1
82.45.060	AMD	50 E1	975	88.46.060	AMD	122	6
82.46.010	AMD	354	1	88.46.080	AMD	96	59
82.46.035	AMD	354	2	88.46.100	AMD	122	8
82.46.035	REMD	354	3	90.03.380	AMD	112	2
82.50.250	AMD	171	124	90.03.380	AMD	112	3
82.80	ADD	373	2	90.03.397	AMD	117	1
82.80.100	AMD	171	125	90.44.510	AMD	72	1
82.83.010	REP	2	401	90.46.015	AMD	353	11
82.83.020	REP	2	401	90.46.260	AMD	96	60
82.83.030	REP	2	401	90.48.140	AMD	96	61
82.83.040	REP	2	401	90.48.260	AMD	353	12
82.83.050	REP	2	401	90.48.366	AMD	122	9
84.33.035	AMD	101	2	90.56.370	AMD	122	10
84.33.078	AMD	101	3	90.58	ADD	323	2
84.34.020	AMD	101	1	90.58.080	AMD	353	13
84.36.080	AMD	171	126	90.58.090	AMD	277	2
84.36.381	AMD	174	105	90.58.090	AMD	353	14
84.36.385	AMD	174	106	90.58.140	AMD	277	3
84.40.038	AMD	84	1	90.58.180	AMD	277	4
84.52	ADD	275	3	90.58.190	REMD	277	5
84.52.010	AMD	28 E1	1	90.58.270	AMD	212	2
84.52.010	AMD	28 E1	2	90.64.030	AMD	103	3
84.52.010	AMD	275	1	90.71.370	AMD	50 E1	977
84.52.043	AMD	275	2	90.72.040	AMD	10	84
84.52.044	AMD	141	4	90.76.010	AMD	298	39
84.52.044	AMD	271	3	90.76.020	AMD	298	40

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<u>RCW</u>		<u>CH.</u>	<u>SEC.</u>	<u>RCW</u>		<u>CH.</u>	<u>SEC.</u>
90.90	ADD	83	2,3,5	90.90.020	AMD	83	4
90.90.010	AMD	83	1	90.90.040	AMD	83	6



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LAWS 2006			LAWS 2011		LAWS 2009			LAWS 2011 1ST SP.S.	
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
152	10	REP	154	4	497	2050	AMD	49	6035
LAWS 2007			LAWS 2011		497	2051	AMD	49	6036
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	497	2052	AMD	49	6037
241	75	REP	154	4	497	2053	AMD	49	6038
LAWS 2009			LAWS 2011		497	2055	AMD	49	6040
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	497	2056	AMD	49	6041
292	13	REP	58	17	497	2057	AMD	49	6042
470	301	AMD	367	901	497	2058	AMD	49	6043
470	305	AMD	367	904	497	2062	AMD	49	6044
564		ADD	5	130	497	2063	AMD	49	6045
564		ADD	5	131	497	2066	AMD	49	6046
564		ADD	5	618	497	2073	AMD	49	6049
564		ADD	5	619	497	2074	AMD	49	6048
564		ADD	5	705	497	3004	AMD	49	6053
564		ADD	5	706	497	3005	AMD	49	6055
564		ADD	5	711	497	3006	AMD	49	6052
564	711	AMD	5	704	497	3008	AMD	49	6054
LAWS 2009			LAWS 2011 1ST SP.S.		497	3011	AMD	49	6051
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	497	3026	AMD	49	6050
497		ADD	48	6003	497	3039	AMD	49	6056
497		ADD	48	6004	497	3055	AMD	49	6058
497		ADD	48	6006	497	3077	AMD	49	6061
497		ADD	48	6008	497	3082	AMD	49	6062
497		ADD	49	6078	497	3135	AMD	49	6064
497		ADD	48	7017	497	3155	AMD	48	6005
497	1016	AMD	49	6004	497	3157	AMD	49	6065
497	1017	AMD	49	6005	497	3166	AMD	49	6069
497	1020	AMD	49	6006	497	3174	AMD	49	6067
497	1036	AMD	49	6011	497	3175	AMD	49	6070
497	1041	AMD	49	6013	497	3184	AMD	49	6068
497	1042	AMD	49	6014	497	3186	AMD	49	6066
497	1050	AMD	49	6001	497	3189	AMD	49	6074
497	1069	AMD	49	6020	497	3192	AMD	49	6075
497	1076	AMD	49	6021	497	3193	AMD	49	6071
497	1078	AMD	49	6022	497	3194	AMD	49	6072
497	2012	AMD	49	6026	497	3195	AMD	49	6073
497	2016	AMD	49	6024	497	5015	AMD	49	6076
497	2017	AMD	49	6027	497	5077	AMD	49	6080
497	2025	AMD	49	6025	497	5082	AMD	49	6081
497	2041	AMD	49	6028	497	5144	AMD	49	6085
497	2043	AMD	49	6031	497	5161	AMD	49	6086
497	2044	AMD	49	6032	497	5216	AMD	49	6088
497	2045	AMD	49	6029	497	5228	AMD	49	6087
497	2046	AMD	49	6033	564		ADD	50	1121
497	2048	AMD	49	6030	564		ADD	50	1608
497	2049	AMD	49	6034	564	719	AMD	50	1607
					564	802	AMD	50	1702
					564	803	AMD	50	1703







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5	107	AMD	50	1007	5	222	AMD	50	1124
5	108	AMD	50	1008	5	223	AMD	50	1125
5	113	AMD	50	1009	5	301	AMD	50	1201
5	114	AMD	50	1010	5	302	AMD	50	1202
5	115	AMD	50	1011	5	303	AMD	50	1203
5	117	AMD	50	1013	5	304	AMD	50	1206
5	118	AMD	50	1014	5	305	AMD	50	1207
5	119	AMD	50	1015	5	306	AMD	50	1208
5	120	AMD	50	1016	5	307	AMD	50	1209
5	121	AMD	50	1017	5	401	AMD	50	1301
5	122	AMD	50	1018	5	402	AMD	50	1302
5	125	AMD	50	1019	5	501	AMD	50	1401
5	126	AMD	50	1020	5	502	AMD	50	1402
5	127	AMD	50	1021	5	503	AMD	50	1404
5	128	AMD	50	1022	5	504	AMD	50	1405
5	201	AMD	50	1102	5	505	AMD	50	1406
5	202	AMD	50	1103	5	507	AMD	50	1409
5	203	AMD	50	1104	5	508	AMD	50	1410
5	204	AMD	50	1105	5	607	AMD	50	1501
5	205	AMD	50	1106	5	608	AMD	50	1502
5	206	AMD	50	1107	5	609	AMD	50	1503
5	207	AMD	50	1108	5	612	AMD	50	1505
5	208	AMD	50	1109	5	613	AMD	50	1506
5	209	AMD	50	1110	5	614	AMD	50	1507
5	210	AMD	50	1111	5	615	AMD	50	1508
5	211	AMD	50	1112	5	616	AMD	50	1509
5	212	AMD	50	1113	5	617	AMD	50	1510
5	213	AMD	50	1114	5	703	AMD	50	1606
5	214	AMD	50	1115	5	801	AMD	50	1705
5	215	AMD	50	1116	5	801	AMD	48	7031
5	216	AMD	50	1117	96	11	REP	40	43
5	217	AMD	50	1118	367		ADD	50	718
5	218	AMD	50	1119	367		ADD	50	719
5	219	AMD	50	1120	367		ADD	50	720
5	220	AMD	50	1122	367		ADD	50	721
5	221	AMD	50	1123					

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## **STATE MEASURES FILED WITH THE SECRETARY OF STATE**

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### **INITIATIVES TO THE PEOPLE**

For information on Initiatives to the People, see <http://secstate.wa.gov/elections/initiatives/statistics.aspx>. For additional information, call the Office of the Secretary of State at (360) 902-4180.

### **INITIATIVES TO THE LEGISLATURE**

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### **REFERENDUM MEASURES**

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### **REFERENDUM BILLS**

For information on Referendum Bills, see <http://secstate.wa.gov/elections/initiatives/statistics.aspx>. For additional information, call the Office of the Secretary of State at (360) 902-4180.





## HISTORY OF CONSTITUTIONAL AMENDMENTS ADOPTED SINCE STATEHOOD

- No. 1. Section 5, Article XVI. Re: **Permanent School Fund.** Adopted November, 1894.
- No. 2. Section 1, Article VI. Re: **Qualification of Electors.** Adopted November, 1896.
- No. 3. Section 2, Article VII. Re: **Uniform Rates of Taxation.** Adopted November, 1900.
- No. 4. Section 11, Article I. Re: **Religious Freedom.** Adopted November, 1904.
- No. 5. Section 1, Article VI. Re: **Equal Suffrage.** Adopted November, 1910.
- No. 6. Section 10, Article III. Re: **Succession in Office of Governor.** Adopted November, 1910.
- No. 7. Section 1, Article II. Re: **Initiative and Referendum.** Adopted November, 1912.
- No. 8. Adding Sections 33 and 34, Article I. Re: **Recall.** Adopted November, 1912.
- No. 9. Section 16, Article I. Re: **Taking of Private Property.** Adopted November, 1922.
- No. 10. Section 22, Article I. Re: **Right of Appeal.** Adopted November, 1922.
- No. 11. Section 4, Article VIII. Re: **Appropriation.** Adopted November, 1922.
- No. 12. Section 5, Article XI. Re: **Consolidation of County Offices.** Adopted November, 1924.
- No. 13. Section 15, Article II. Re: **Vacancies in the Legislature.** Adopted November, 1930.
- No. 14. Article VII. Re: **Revenue and Taxation.** Adopted November, 1930.
- No. 15. Section 1, Article XV. Re: **Harbors and Harbor Areas.** Adopted November, 1932.
- No. 16. Section 11, Article XII. Re: **Double Liability of Stockholders.** Adopted November, 1940.
- No. 17. Section 2, Article VII. Re: **40-Mill Tax Limit.** Adopted November, 1944.
- No. 18. Adding Section 40, Article II. Re: **Restriction of motor vehicle license fees and excise taxes on motor fuels to highway purposes only.** Adopted November, 1944.
- No. 19. Adding Section 3, Article VII. Re: **State to tax the United States and its instrumentalities to the extent that the laws of the United States will allow.** Adopted November, 1946.
- No. 20. Adding Section 1, Article XXVIII. Re: **Legislature to fix the salaries of state elective officials.** Adopted November, 1948.
- No. 21. Section 4, Article XI. Re: **Permit counties to adopt "Home Rule" charters.** Adopted November, 1948.
- No. 22. Repealing Section 7 of Article XI. Re: **County elective officials.** (These officials can now hold same office more than two terms in succession.) Adopted November, 1948.
- No. 23. Adding Section 16, Article XI. Re: **Permitting the formation, under a charter, of combined city and county municipal corporations having a population of 300,000 or more.** Adopted November, 1948.
- No. 24. Article II, Section 33. Re: **Permitting ownership of land by Canadians who are citizens of provinces wherein citizens of the State of Washington may own land.** (All provinces of Canada authorize such ownership.) Adopted November, 1950.

## **HISTORY OF ADOPTED CONSTITUTIONAL AMDTS.**

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- No. 25. Adding Section 3(a), Article IV. Re: **Establishing Retirement Age for Judges of Supreme and Superior Courts.** Adopted November, 1952.
- No. 26. Adding Section 41, Article II. Re: **Permitting the Legislature to Amend Initiative Measures.** Adopted November, 1952.
- No. 27. Section 6, Article VIII. Re: **Extending Bonding Powers of School Districts.** Adopted November, 1952.
- No. 28. Sections 6 and 10, Article IV. Re: **Increasing Monetary Jurisdiction of Justice Courts.** Adopted November, 1952.
- No. 29. Article II, Section 33. Re: **Redefining "Alien," thereby permitting the Legislature to determine the policy of the state respecting the ownership of land by corporations having alien shareholders.** Adopted November, 1954.
- No. 30. Adding Section 1A, Article II. Re: **Increasing the number of signatures necessary to certify a state initiative or referendum measure.** Adopted November, 1956.
- No. 31. Section 25, Article III. Re: **Removing the restriction prohibiting the state treasurer from being elected for more than one successive term.** Adopted November, 1956.
- No. 32. Section 2, Article XV. Re: **Filling vacancies in the state legislature.** Adopted November, 1956.
- No. 33. Section 1, Article XXIV. Re: **Modification of state boundaries by compact.** Adopted November, 1958.
- No. 34. Section 11, Article I. Re: **Employment of chaplains at state institutions.** Adopted November, 1958.
- No. 35. Section 25, Article II. Re: **Pensions and Employees' Extra Compensation.** Adopted November, 1958.
- No. 36. Section 1, Article II by adding a new subsection (e). Re: **Publication and Distribution of Voters' Pamphlet.** Adopted November, 1962.
- No. 37. Section 1, Article XXIII. Re: **Publication of Proposed Constitutional Amendments.** Adopted November, 1962.
- No. 38. Adding Section 2(c), Article IV. Re: **Temporary Performance of Judicial Duties.** Adopted November, 1962.
- No. 39. Adding Section 42, Article II. Re: **Governmental Continuity During Emergency Periods.** Adopted November, 1962.
- No. 40. Section 10, Article XI. Re: **Lowering minimum population for first class cities from 20,000 to 10,000. Also changing newspaper publication requirements for proposed charters.** Adopted November, 1964.
- No. 41. Section 29, Article IV. Re: **Election of Superior Court Judges.** Adopted November, 1966.
- No. 42. Repealing Section 33, Article II and Amendments 24 and 29. Re: **Alien Ownership of Lands.** Adopted November, 1966.
- No. 43. Section 3, Article IX. Re: **Funds for Support of the Common Schools.** Adopted November, 1966.

## **HISTORY OF ADOPTED CONSTITUTIONAL AMDTS.**

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- No. 44. Section 5, Article XVI. Re: **Investment of Permanent Common School Fund.** Adopted November, 1966.
- No. 45. Adding Section 8, Article VIII. Re: **Port Expenditures—Industrial Development—Promotion.** Adopted November, 1966.
- No. 46. Adding Section 1A, Article VI. Re: **Voter Qualifications for Presidential Elections.** Adopted November, 1966.
- No. 47. Adding Section 10, Article VII. Re: **Retired Persons Property Tax Exemption.** Adopted November, 1966.
- No. 48. Section 3, Article VIII. Re: **Public Special Indebtedness, How Authorized.** Adopted November, 1966.
- No. 49. Adding Section 1, Article XXIX. Re: **Investments of Public Pension and Retirement Funds.** Adopted November, 1968.
- No. 50. Adding Section 30, Article IV. Re: **Court of Appeals.** Adopted November, 1968.
- No. 51. Adding Section 9, Article VIII. Re: **State Building Authority.** Adopted November, 1968.
- No. 52. Section 15, Article II. Re: **Vacancies in Legislature and in Partisan County Elective Office.** Also amending Section 6, Article XI. Re: **Vacancies in Township, Precinct or Road District Office.** Adopted November, 1968.
- No. 53. Adding Section 11, Article VII. Re: **Taxation Based on Actual Use.** Adopted November, 1968.
- No. 54. Adding Section 1, Article XXX. Re: **Authorizing Compensation Increase During Term.** Adopted November, 1968.
- No. 55. Section 2, Article VII. Re: **Limitation on Levies.** Adopted November, 1972.
- No. 56. Section 24, Article II. Re: **Lotteries and Divorce.** Adopted November, 1972.
- No. 57. Section 5, Article XI. Re: **County Government.** Adopted November, 1972.
- No. 58. Section 16, Article XI. Re: **Combined City-County.** Adopted November, 1972.
- No. 59. Section 2, Article VII. Re: **Limitation on Levies.** Adopted November, 1972.
- No. 60. Section 1, Article VIII. Re: **State Debt.** Also amending Section 3, Article VIII. Re: **Special Indebtedness, How Authorized.** Approved November, 1972.
- No. 61. Adding new Article XXXI. Re: **Sex Equality, Rights and Responsibilities.** Adopted November, 1972.
- No. 62. Section 12, Article III. Re: **Veto Power.** Adopted November, 1974.
- No. 63. Section 1, Article VI. Re: **Qualifications of Electors.** Adopted November, 1974.
- No. 64. Section 2, Article VII. Re: **Limitation on Levies.** Adopted November, 1976.
- No. 65. Section 6, Article IV. Re: **Jurisdiction of Superior Courts.** Also amending Section 10, Article IV. Re: **Justices of the Peace.** Adopted November, 1976.
- No. 66. Section 18, Article XII. Re: **Rates for Transportation.** Adopted November, 1977.
- No. 67. Repealing Section 14, Article XII. Re: **Prohibition Against Combinations by Carriers.** Adopted November, 1977.

## **HISTORY OF ADOPTED CONSTITUTIONAL AMDTS.**

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- No. 68. Section 12, Article II. Re: **Legislative Sessions, When—Duration.** Adopted November, 1979.
- No. 69. Section 13, Article II. Re: **Limitation on Members Holding Office in the State.** Adopted November, 1979.
- No. 70. Adding Section 10, Article VIII. Re: **Residential Energy Conservation.** Adopted November, 1979.
- No. 71. Adding Section 31, Article IV. Re: **Judicial Qualifications Commission—Removal, Censure, Suspension, or Retirement of Judges or Justices.** Adopted November, 1980.
- No. 72. Sections 1 and 1(a), Article II. Re: **Legislative Powers, Where Vested and Initiative and Referendum, Signatures Required.** Adopted November, 1981.
- No. 73. Adding Section 1, Article XXXII. Re: **Special Revenue Financing.** Adopted November, 1981.
- No. 74. Adding Section 43, Article II. Re: **Redistricting.** Adopted November, 1983.
- No. 75. Section 1, Article XXIX. Re: **May be Invested as Authorized by Law.** Adopted November, 1985.
- No. 76. Adding Section 11, Article VIII. Re: **Agricultural Commodity Assessments—Development, Promotion, and Hosting.** Adopted November, 1985.
- No. 77. Section 31, Article IV. Re: **Commission on Judicial Conduct—Removal, Censure, Suspension, or Retirement of Judges or Justices—Proceedings.** Adopted November, 1986.
- No. 78. Section 1, Article XXVIII. Re: **Salaries for Legislators, Elected State Officials, and Judges—Independent Commission—Referendum.** Adopted November, 1986.
- No. 79. Section 2, Article VII. Re: **Limitation on Levies.** Adopted November, 1986.
- No. 80. Section 7, Article IV. Re: **Exchange of judges—Judge Pro Tempore.** Adopted November, 1987.
- No. 81. Section 1, Article VII. Re: **Taxation.** Adopted November, 1988.
- No. 82. Section 10, Article VIII. Re: **Residential Energy Conservation.** Adopted November, 1988.
- No. 83. Section 3, Article VI. Re: **Who disqualified.** Also amending Section 1, Article XIII. Re: **Educational, reformatory and penal institutions.** Adopted November, 1988.
- No. 84. Adding Section 35, Article I. Re: **Victims of Crimes—Rights.** Adopted November, 1989.
- No. 85. Section 31, Article IV. Re: **Commission on Judicial Conduct.** Adopted November, 1989.
- No. 86. Section 10, Article VIII. Re: **Energy and Water Conservation Assistance.** Adopted November, 1989.
- No. 87. Section 6, Article IV. Re: **Jurisdiction of Superior Courts.** Adopted November, 1993.
- No. 88. Section 11, Article I. Re: **Religious Freedom.** Adopted November, 1993.
- No. 89. Section 3, Article 4. Re: **Election and Terms of Supreme Court Judges.** Adopted November, 1995.
- No. 90. Section 2, Article VII. Re: **Limitation on levies.** Adopted November, 1997.

## **HISTORY OF ADOPTED CONSTITUTIONAL AMDTS.**

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- No. 91. Section 10, Article VIII. Re: **Energy, water, or stormwater or sewer services conservation assistance.** Adopted November, 1997.
- No. 92. Section 1, Article VIII. Re: **State debt.** Adopted November, 1999.
- No. 93. Section 1, Article XXIX. Re: **May be invested as authorized by law.** Adopted November, 2000.
- No. 94. Section 7, Article IV. Re: **Exchange of judges - Judge pro tempore.** Adopted November, 2001.
- No. 95. Section 2, Article VII. Re: **Limitation on levies.** Adopted November, 2002.
- No. 96. Section 15, Article II. Re: **Vacancies in legislative and in partisan county elective office.** Adopted November 2003.
- No. 97. Section 31, Article IV. Re: **Commission on judicial conduct.** Adopted November, 2005.
- No. 98. Section 1, Article VII. Re: **Taxation.** Adopted November 2006.
- No. 99. Section 12, Article VII. Re: **Budget stabilization account.** Adopted November 2007.
- No. 100. Section 29, Article II. Re: **Convict labor.** Adopted November 2007.
- No. 101. Section 2, Article VII. Re: **Limitation of levies.** Adopted November 2007.
- No. 102. Section 6, Article XVI. Re: **Investment of higher education permanent funds.** Adopted November 2007.
- No. 103. Section 20, Article I. Re: **Bail, when authorized.** Adopted November 2010.
- No. 104. Section 1, Article VIII. Re: **State debt.** Adopted November 2010.

