

ONE HUNDRED SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, April 23, 2009

The Senate was called to order at 9:30 a.m. by the President Pro Tempore. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present with the exception of Senators Brown, Fairley and Jarrett.

The Sergeant at Arms Color Guard consisting of Pages Kenneth Logue and Heather Seaman, presented the Colors. Pastor Matt Goldsberry of Rainier View Christian Church of Graham offered the prayer.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

April 22, 2009

SB 6160 Prime Sponsor, Senator Prentice: Relating to criminal justice. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6160 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Keiser; Kline; Kohl-Welles; McDermott; Murray; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senator Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Brandland; Carrell; Hewitt and Honeyford.

Passed to Committee on Rules for second reading.

April 22, 2009

EHB 2194 Prime Sponsor, Representative Appleton: Modifying provisions relating to extraordinary medical placement for offenders. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Keiser; Kline; Kohl-Welles; McDermott; Murray; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Carrell; Hewitt and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Brandland; Honeyford; Parlette and Pflug.

Passed to Committee on Rules for second reading.

April 22, 2009

ESHB 2338 Prime Sponsor, Committee on Ways & Means: Concerning the administration and operations of growth management hearings boards. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Carrell; Fairley; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Pridemore and Regala.

MINORITY recommendation: Do not pass. Signed by Senators Zarelli; Honeyford and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brandland; Hewitt; Parlette and Pflug.

Passed to Committee on Rules for second reading.

April 22, 2009

SHB 2339 Prime Sponsor, Committee on Ways & Means: Requiring the department of licensing to collect a donation to benefit the state parks system as part of motor vehicle registration unless a vehicle owner opts not to provide a donation. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Keiser; Kline; Kohl-Welles; McDermott; Oemig; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Zarelli; Carrell; Hewitt; Pflug and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brandland and Parlette.

Passed to Committee on Rules for second reading.

April 22, 2009

SHB 2341 Prime Sponsor, Committee on Ways & Means: Modifying the basic health plan program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Carrell; Fairley; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Pridemore; Regala; Rockefeller and Schoesler.

MINORITY recommendation: Do not pass. Signed by Senator Pflug.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brandland; Honeyford and Parlette.

Passed to Committee on Rules for second reading.

April 22, 2009

SHB 2343 Prime Sponsor, Committee on Ways & Means: Achieving savings in education programs. Reported by Committee on Ways & Means

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hewitt; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Parlette; Pflug; Pridemore; Regala; Rockefeller and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Honeyford.

Passed to Committee on Rules for second reading.

April 22, 2009

HB 2347 Prime Sponsor, Representative Kagi: Concerning the review of support payments. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hewitt; Hobbs; Honeyford; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Parlette; Pflug; Pridemore; Regala; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

April 22, 2009

HB 2349 Prime Sponsor, Representative Cody: Concerning disproportionate share hospital adjustments. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hewitt; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Parlette; Pflug; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford and Schoesler.

Passed to Committee on Rules for second reading.

April 22, 2009

SHB 2361 Prime Sponsor, Committee on Ways & Means: Concerning modifying state payments for in-home care by prohibiting payment for services provided by agency employees who are related to the client. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Keiser; Kline; Kohl-Welles; McDermott; Murray; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Zarelli; Carrell; Honeyford; Oemig; Parlette; Pflug and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brandland and Hewitt.

Passed to Committee on Rules for second reading.

April 22, 2009

SHB 2362 Prime Sponsor, Committee on Ways & Means: Providing support for judicial branch agencies by imposing surcharges on court fees and requesting the supreme court to consider increases to attorney licensing fees. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Pridemore and Regala.

MINORITY recommendation: Do not pass. Signed by Senators Zarelli; Carrell; Honeyford and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brandland and Hewitt.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

MESSAGES FROM STATE OFFICES

March 31, 2009

STATE OF WASHINGTON

Olympia, Washington 98504-5000

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

Dear Mr. Hoemann:

Enclosed is Department of Social & Health Services report on "Expanding Community Services Proviso." This report is mandated under Chapter 518, Laws of 2007, Section 205(1)(c).

If you have any questions about the report, please call 360-725-3452.

Sincerely,

Robin Arnold-Williams, Secretary
The Department of Social & Health Services report "Expanding Community Services Proviso" is on file in the Office of the Secretary of the Senate.

MOTION

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

MESSAGE FROM THE HOUSE

April 22, 2009

MR. PRESIDENT:

The House has passed the following bills:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2344,

ONE HUNDRED SECOND DAY, APRIL 23, 2009
and the same is herewith transmitted.

2009 REGULAR SESSION

BARBARA BAKER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 6188 by Senator Carrell

AN ACT Relating to the imposition of a minimum bail bond premium fee of ten percent; adding new sections to chapter 18.185 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Judiciary.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

E2SHB 2318 by House Committee on Ways & Means (originally sponsored by Representatives Sells, Ericks, Kenney, Liias, Simpson, Hope, McCoy, Conway and Roberts)

AN ACT Relating to the aerospace workforce futures act; adding a new section to Title 43 RCW; adding a new chapter to Title 28B RCW; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 2331 by Representatives Darneille, Dickerson, Pettigrew, Kenney, Williams, Simpson, Nelson and Ormsby

AN ACT Relating to the existing document recording fee for services for the homeless; and amending RCW 36.22.179.

Referred to Committee on Ways & Means.

SHB 2356 by House Committee on Ways & Means (originally sponsored by Representative Haigh)

AN ACT Relating to revising student achievement fund allocations; amending RCW 28A.505.220; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

EHB 2358 by Representative Conway

AN ACT Relating to increasing liquor license fees limited to fees for beer and/or wine restaurants; taverns; snack bars; combined beer and wine retailers; grocery stores; beer and/or wine specialty shops; passenger trains, vessels, and airplanes; spirits, beer, and wine restaurants; spirits, beer, and wine private clubs; beer and wine private clubs; and public houses; amending RCW 66.24.320, 66.24.330, 66.24.350, 66.24.354, 66.24.360, 66.24.371, 66.24.395, 66.24.400, 66.24.450, 66.24.452, and 66.24.580; reenacting and amending RCW 66.24.420 and 66.24.425; adding a new section to chapter 66.08 RCW; and providing an expiration date.

Referred to Committee on Ways & Means.

MOTION

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

SUPPLEMENTAL INTRODUCTION AND FIRST READING

ESHB 2344 by House Committee on Ways & Means (originally sponsored by Representative Haigh)

AN ACT Relating to resident undergraduate tuition; amending RCW 28B.15.068; adding a new section to chapter 28B.15 RCW; and creating a new section.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Eide, the measure listed on the Supplemental Introduction and First Reading report was referred to the committee as designated.

MOTION

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

MOTION

Senator Jacobsen moved adoption of the following resolution:

SENATE RESOLUTION
8632

By Senator Jacobsen

WHEREAS, More than two million veterans who served in Iraq or Afghanistan will have the opportunity to attend college under the new and improved G.I. Bill; and

WHEREAS, A vast majority of these veterans will pursue higher education making them the largest group to do so from any war in American history; and

WHEREAS, The Washington State Department of Veterans Affairs, the Higher Education Coordinating Board, the State Board for Community and Technical Colleges, and public institutions of higher education are committed to helping veterans be successful in their pursuit of higher education; and

WHEREAS, The transition from military service to civilian life, including life on a college or university campus, can be challenging especially for veterans who often must balance employment and family in addition to their student obligations; and

WHEREAS, Best practices including creating veteran-friendly campus characteristics that lead to improved academic stability and success for returning war veterans have been identified; and

WHEREAS, The Washington State Department of Veterans Affairs Post Traumatic Stress Disorder Counseling Program under the exemplary leadership of Thomas Schumacher and Dr. Peter Schmidt have identified and begun sharing best practices with college personnel throughout the state; and

WHEREAS, State agency partners and the higher education community will continue working collaboratively to ensure all federal and state resources are maximized and accessible to returning veterans pursuing higher education;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the vital partnership between the Washington State Department of Veterans Affairs and the higher education community in the ongoing success of Washington State veterans in their continuing education and transition into the civilian workforce; and

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Washington State Department of Veterans Affairs, the Higher Education Coordinating Board, the State Board for Community and Technical Colleges, and all institutions of higher education working to integrate veterans into their programs.

Senators Jacobsen, Swecker, Shin, Kilmer and Hobbs spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8632.

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

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced Peter Schmidt, Dean of Edmonds Community College; Washington Department of Veterans Affairs Director, John Lee; and PTSD Program Director Tom Schumacher and other WDVA staff; Timm Lovitt, Edmonds Community College Club Vet President and students from Club Vet; Chris Alejano, Governor's Executive Policy Office; Charlie Earl, Executive Director, Board for Community & Technical Colleges; Erin Brown, Legislative Liaison, Board for Community & Technical Colleges; Michael Ball, Director, State Approving Agency for Veterans' Education & Training at the Higher Education Coordinating Board; and Joint Directorate "J9" from the Washington National Guard who were seated in the gallery.

MOTION

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

PERSONAL PRIVILEGE

Senator Jacobsen: "One of the members in the gallery I'd like to have stand, it's Mark Fisher and the reason I'm asking this, if you take a look at the Seattle Times today on the front page, there's an article on the Veterans Conservation Corp and to put it real simple is an idea Tom and I dreamed up down at the Fish Tale one night. Mark's really the one that made it work. There's about seventy students at Green River Community College getting degrees in Environmental Restoration programs and Mark has been untiring and very diligent and working for every opportunity for this program. He's really helped out a lot and it's one of the innovative programs in the country in that area. Thanks a lot. Thanks a lot to the Department and John Lee too."

NOTICE OF RECONSIDERATION

Senator Benton gave notice of his intent to move to reconsider the vote by which Engrossed Substitute House Bill No. 1709 passed the Senate.

POINT OF ORDER

Senator Marr: "Regarding the notice of reconsideration that was provided by Senator Benton, my understanding is that reconsideration, notice of reconsideration must be offered in these last days of the session on the same day the bill, the concurrence was or not concurrence was voted on and that it must be acted on that same day. Am I correct, Madam President?"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore: "Senator Marr, in answer to your question in regard to 1709, the bill is no longer in the senate."

PARLIAMENTARY INQUIRY

Senator Schoesler: "When was House Bill No. 1709 transmitted to the next step in the process?"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore: "The answer to your question Senator is on yesterday, after adjournment of the Senate."

PARLIAMENTARY INQUIRY

Senator Schoesler: "After adjournment of the Senate? Is that correct? Under Senate Rules may a bill be transmitted after adjournment?"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore: "Senator Schoesler, an answer to your question, the bill, 170, was properly transferred out of the senate."

POINT OF ORDER

Senator Schoesler: "Is there a record of when and how it was transmitted?"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore: "We will obtain the message for you Senator."

POINT OF ORDER

Senator Marr: "Madam President, my understanding is under the rules of the senate notice for reconsideration regardless of whether or not the bill has been transmitted needed to be provided on the day that the vote was taken, that would have been yesterday. In addition, in the last ten days of the session, action must be taken on reconsideration the same day of the vote, is my understanding. Madam President, perhaps you can enlighten me?"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore: "Senator Marr, I would like to answer your question or statement. You are correct."

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Berkey moved that Gubernatorial Appointment No. 9074, Jean Magladry, as a member of the Board of Trustees, Cascadia Community College District No. 30, be confirmed.

Senator Berkey spoke in favor of the motion.

MOTION

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

APPOINTMENT OF JEAN MAGLADRY

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

April 18, 2009

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9074, Jean Magladry as a member of the Board of Trustees, Cascadia Community College District No. 30.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9074, Jean Magladry as a member of the Board of Trustees, Cascadia Community College District No. 30 and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Brown, Fairley and Jarrett

Gubernatorial Appointment No. 9074, Jean Magladry, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Cascadia Community College District No. 30.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Berkey moved that Gubernatorial Appointment No. 9079, Michael Martino, as a member of the Board of Trustees, Cascadia Community College District No. 30, be confirmed.

Senator Berkey spoke in favor of the motion.

APPOINTMENT OF MICHAEL MARTINO

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9079, Michael Martino as a member of the Board of Trustees, Cascadia Community College District No. 30.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9079, Michael Martino as a member of the Board of Trustees, Cascadia Community College District No. 30 and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Brown, Fairley and Jarrett

Gubernatorial Appointment No. 9079, Michael Martino, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Cascadia Community College District No. 30.

MOTION

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

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1592 and asks Senate to recede therefrom.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kline moved that the Senate recede from its position on the Senate amendments to Substitute House Bill No. 1592.

Senator Kline spoke in favor of the motion.

The President Pro Tempore declared the question before the Senate to be motion by Senator Kline that the Senate recede from its position on the Senate amendments to Substitute House Bill No. 1592.

The motion by Senator Kline carried and the Senate receded from its amendments to Substitute House Bill No. 1592 by voice vote.

MOTION

On motion of Senator Kline, the rules were suspended and Substitute House Bill No. 1592 was returned to second reading for the purposes of amendment.

SECOND READING

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

Registering business entities and associations with the secretary of state.

The measure was read the second time.

MOTION

Senator Kline moved that the following striking amendment by Senator Kline and others be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 25.15.270 and 2006 c 48 s 4 are each amended to read as follows:

A limited liability company is dissolved and its affairs shall be wound up upon the first to occur of the following:

(1)(a) The dissolution date, if any, specified in the certificate of formation. If a dissolution date is not specified in the certificate of formation, the limited liability company's existence will continue until the first to occur of the events described in subsections (2) through (6) of this section. If a dissolution date is specified in the certificate of formation, the certificate of formation may be amended and the existence of the limited liability company may be extended by vote of all the members(??).

(b) This subsection does not apply to a limited liability company formed under RCW 30.08.025 or 32.08.025(??);

(2) The happening of events specified in a limited liability company agreement;

(3) The written consent of all members;

(4) Unless the limited liability company agreement provides otherwise, ninety days following an event of dissociation of the

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

last remaining member, unless those having the rights of assignees in the limited liability company under RCW 25.15.130(1) have, by the ninetieth day, voted to admit one or more members, voting as though they were members, and in the manner set forth in RCW 25.15.120(1);

(5) The entry of a decree of judicial dissolution under RCW 25.15.275; or

(6) The expiration of ~~((two))~~ five years after the effective date of dissolution under RCW 25.15.285 without the reinstatement of the limited liability company.

Sec. 2. RCW 25.15.290 and 1994 c 211 s 805 are each amended to read as follows:

(1) A limited liability company administratively dissolved under RCW 25.15.285 may apply to the secretary of state for reinstatement within ~~((two))~~ five years after the effective date of dissolution. The application must:

(a) Recite the name of the limited liability company and the effective date of its administrative dissolution;

(b) State that the ground or grounds for dissolution either did not exist or have been eliminated; and

(c) State that the limited liability company's name satisfies the requirements of RCW 25.15.010.

(2) If the secretary of state determines that the application contains the information required by subsection (1) of this section and that the name is available, the secretary of state shall reinstate the limited liability company and give the limited liability company written notice, as provided in RCW 25.15.285(1), of the reinstatement that recites the effective date of reinstatement. If the name is not available, the limited liability company must file with its application for reinstatement an amendment to its certificate of formation reflecting a change of name.

(3) When the reinstatement is effective, it relates back to and takes effect as of the effective date of the administrative dissolution and the limited liability company may resume carrying on its business as if the administrative dissolution had never occurred.

(4) If an application for reinstatement is not made within the ~~((two-year))~~ five-year period set forth in subsection (1) of this section, or if the application made within this period is not granted, the ~~((secretary of state shall cancel the))~~ limited liability company's certificate of formation is deemed canceled.

NEW SECTION. Sec. 3. A new section is added to chapter 25.15 RCW under the subchapter heading "Article VIII. Dissolution" to read as follows:

(1) A limited liability company voluntarily dissolved under RCW 25.15.270 may apply to the secretary of state for reinstatement within one hundred twenty days after the effective date of dissolution. The application must:

(a) Recite the name of the limited liability company and the effective date of its voluntary dissolution;

(b) State that the ground or grounds for voluntary dissolution have been eliminated; and

(c) State that the limited liability company's name satisfies the requirements of RCW 25.15.010.

(2) If the secretary of state determines that the application contains the information required by subsection (1) of this section and that the name is available, the secretary of state shall reinstate the limited liability company and give the limited liability company written notice of the reinstatement that recites the effective date of reinstatement. If the name is not available, the limited liability company must file with its application for reinstatement an amendment to its certificate of formation reflecting a change of name.

(3) When the reinstatement is effective, it relates back to and takes effect as of the effective date of the voluntary dissolution and the limited liability company may resume carrying on its business as if the voluntary dissolution had never occurred.

(4) If an application for reinstatement is not made within the one hundred twenty-day period set forth in subsection (1) of this section, or if the application made within this period is not

granted, the secretary of state shall cancel the limited liability company's certificate of formation.

Sec. 4. RCW 25.05.500 and 1998 c 103 s 1101 are each amended to read as follows:

(1) A partnership which is not a limited liability partnership on June 11, 1998, may become a limited liability partnership upon the approval of the terms and conditions upon which it becomes a limited liability partnership by the vote necessary to amend the partnership agreement except, in the case of a partnership agreement that expressly considers obligations to contribute to the partnership, the vote necessary to amend those provisions, and by filing the applications required by subsection (2) of this section. A partnership which is a limited liability partnership on June 11, 1998, continues as a limited liability partnership under this chapter.

(2)(a) To become and to continue as a limited liability partnership, a partnership shall file with the secretary of state an application stating the name of the partnership; the location of a registered office, which need not be a place of its activity in this state; the address of its principal office; if the partnership's principal office is not located in this state, the address of a registered office and the name and address of a registered agent for service of process in this state which the partnership will be required to continuously maintain; the number of partners; a brief statement of the business in which the partnership engages; any other matters that the partnership determines to include; and that the partnership thereby applies for status as a limited liability partnership.

(b) A registered agent for service of process under (a) of this subsection must be an individual who is a resident of this state or other person authorized to do business in this state.

(3) The application shall be accompanied by a fee of one hundred seventy-five dollars for each partnership.

(4) The secretary of state shall register as a limited liability partnership any partnership that submits a completed application with the required fee.

(5) A partnership registered under this section shall pay an annual fee, in each year following the year in which its application is filed, on a date and in an amount specified by the secretary of state. The fee must be accompanied by a notice, on a form provided by the secretary of state, of the number of partners currently in the partnership and of any material changes in the information contained in the partnership's application for registration.

(6) Registration is effective immediately after the date an application is filed, and remains effective until:

(a) It is voluntarily withdrawn by filing with the secretary of state a written withdrawal notice executed by a majority of the partners or by one or more partners or other persons authorized to execute a withdrawal notice; or

(b) Thirty days after receipt by the partnership of a notice from the secretary of state, which notice shall be sent by first-class mail, postage prepaid, that the partnership has failed to make timely payment of the annual fee specified in subsection (5) of this section, unless the fee is paid within such a thirty-day period.

(7) The status of a partnership as a limited liability partnership, and the liability of the partners thereof, shall not be affected by: (a) Errors in the information stated in an application under subsection (2) of this section or a notice under subsection (6) of this section; or (b) changes after the filing of such an application or notice in the information stated in the application or notice.

(8) The secretary of state may provide forms for the application under subsection (2) of this section or a notice under subsection (6) of this section.

NEW SECTION. Sec. 5. CHANGE OF REGISTERED OFFICE OR AGENT FOR SERVICE OF PROCESS. (1) In order to change its registered office, registered agent for service of process, or the address of its registered agent for service of

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

process, a limited liability partnership must deliver to the secretary of state for filing a statement of change containing:

- (a) The name of the limited liability partnership;
 - (b) The street and mailing address of its current registered office;
 - (c) If the current registered office is to be changed, the street and mailing address of the new registered office;
 - (d) The name and street and mailing address of its current registered agent for service of process; and
 - (e) If the current registered agent for service of process or an address of the registered agent is to be changed, the new information.
- (2) A statement of change is effective when filed by the secretary of state.

NEW SECTION. Sec. 6. RESIGNATION OF REGISTERED AGENT FOR SERVICE OF PROCESS. (1) In order to resign as a registered agent for service of process of a limited liability partnership, the registered agent must deliver to the secretary of state for filing a statement of resignation containing the name of the limited liability partnership.

(2) After receiving a statement of resignation, the secretary of state shall file it and mail a copy to the registered office of the limited liability partnership and another copy to the principal office if the address of the office appears in the records of the secretary of state and is different from the address of the registered office.

(3) A registered agent for service of process is terminated on the thirty-first day after the secretary of state files the statement of resignation.

NEW SECTION. Sec. 7. SERVICE OF PROCESS. (1) A registered agent for service of process appointed by a limited liability partnership is a registered agent of the limited liability partnership for service of any process, notice, or demand required or permitted by law to be served upon the limited liability partnership.

(2) If a limited liability partnership does not appoint or maintain a registered agent for service of process in this state or the registered agent for service of process cannot with reasonable diligence be found at the registered agent's address, the secretary of state is an agent of the limited liability partnership upon whom process, notice, or demand may be served.

(3) Service of any process, notice, or demand on the secretary of state may be made by delivering to and leaving with the secretary of state duplicate copies of the process, notice, or demand. If a process, notice, or demand is served on the secretary of state, the secretary of state shall forward one of the copies by registered or certified mail, return receipt requested, to the limited liability partnership at its registered office.

(4) Service is effected under subsection (3) of this section at the earliest of:

- (a) The date the limited liability partnership receives the process, notice, or demand;
- (b) The date shown on the return receipt, if signed on behalf of the limited liability partnership; or
- (c) Five days after the process, notice, or demand is deposited in the mail, if mailed postpaid and correctly addressed.

(5) The secretary of state shall keep a record of each process, notice, and demand served pursuant to this section and record the time of, and the action taken regarding, the service.

(6) This section does not affect the right to serve process, notice, or demand in any other manner provided by law.

NEW SECTION. Sec. 8. REGISTERED OFFICE AND AGENT FOR SERVICE OF PROCESS. (1) A foreign limited liability partnership shall designate and continuously maintain in this state:

- (a) A registered office, which need not be a place of its activity in this state; and
- (b) A registered agent for service of process.

(2) A registered agent for service of process of a foreign limited liability partnership must be an individual who is a resident of this state or other person authorized to do business in this state.

NEW SECTION. Sec. 9. CHANGE OF REGISTERED OFFICE OR AGENT FOR SERVICE OF PROCESS. (1) In order to change its registered office, registered agent for service of process, or the address of its registered agent for service of process, a foreign limited liability partnership must deliver to the secretary of state for filing a statement of change containing:

- (a) The name of the foreign limited liability partnership;
- (b) The street and mailing address of its current registered office;
- (c) If the current registered office is to be changed, the street and mailing address of the new registered office;
- (d) The name and street and mailing address of its current registered agent for service of process; and
- (e) If the current registered agent for service of process or an address of the registered agent is to be changed, the new information.

(2) A statement of change is effective when filed by the secretary of state.

NEW SECTION. Sec. 10. RESIGNATION OF REGISTERED AGENT FOR SERVICE OF PROCESS. (1) In order to resign as a registered agent for service of process of a foreign limited liability partnership, the registered agent must deliver to the secretary of state for filing a statement of resignation containing the name of the foreign limited liability partnership.

(2) After receiving a statement of resignation, the secretary of state shall file it and mail a copy to the registered office of the foreign limited liability partnership and another copy to the principal office if the address of the office appears in the records of the secretary of state and is different from the address of the registered office.

(3) A registered agent for service of process is terminated on the thirty-first day after the secretary of state files the statement of resignation.

NEW SECTION. Sec. 11. SERVICE OF PROCESS. (1) A registered agent for service of process appointed by a foreign limited liability partnership is a registered agent of the foreign limited liability partnership for service of any process, notice, or demand required or permitted by law to be served upon the foreign limited liability partnership.

(2) If a foreign limited liability partnership does not appoint or maintain a registered agent for service of process in this state or the registered agent for service of process cannot with reasonable diligence be found at the registered agent's address, the secretary of state is an agent of the foreign limited liability partnership upon whom process, notice, or demand may be served.

(3) Service of any process, notice, or demand on the secretary of state may be made by delivering to and leaving with the secretary of state duplicate copies of the process, notice, or demand. If a process, notice, or demand is served on the secretary of state, the secretary of state shall forward one of the copies by registered or certified mail, return receipt requested, to the foreign limited liability partnership at its registered office.

(4) Service is effected under subsection (3) of this section at the earliest of:

- (a) The date the foreign limited liability partnership receives the process, notice, or demand;
- (b) The date shown on the return receipt, if signed on behalf of the foreign limited liability partnership; or
- (c) Five days after the process, notice, or demand is deposited in the mail, if mailed postpaid and correctly addressed.

(5) The secretary of state shall keep a record of each process, notice, and demand served pursuant to this section and record the time of, and the action taken regarding, the service.

ONE HUNDRED SECOND DAY, APRIL 23, 2009

(6) This section does not affect the right to serve process, notice, or demand in any other manner provided by law.

Sec. 12. RCW 25.05.560 and 1998 c 103 s 1203 are each amended to read as follows:

(1) A foreign limited liability partnership transacting business in this state may not maintain an action or proceeding in this state unless it has in effect a registration as a foreign limited liability partnership.

(2) The failure of a foreign limited liability partnership to have in effect a registration as a foreign limited liability partnership does not impair the validity of a contract or act of the foreign limited liability partnership or preclude it from defending an action or proceeding in this state.

(3) A limitation on personal liability of a partner is not waived solely by transacting business in this state without registration as a foreign limited liability partnership.

(4) If a foreign limited liability partnership transacts business in this state without a registration as a foreign limited liability partnership, the secretary of state is its agent, as set forth under section 11 of this act, for service of process with respect to a right of action arising out of the transaction of business in this state.

NEW SECTION. Sec. 13. A new section is added to chapter 24.12 RCW to read as follows:

(1) Each corporation sole registered in this state shall file, with a ten dollar filing fee and within the time prescribed by this chapter, an annual report in the form prescribed by the secretary of state. The report shall set forth:

(a) The name of the corporation sole and the state or country under the laws of which it is incorporated;

(b) The address of the principal place of business of the corporation sole in this state including street and number;

(c) The name and respective address of the bishop, overseer, or presiding elder of the corporation sole; and

(d) The corporation sole's unified business identifier number.

(2)(a) The information shall be given as of the date of the execution of the report. It shall be executed by the corporation sole by an officer of the corporation sole or, if the corporation sole is in the hands of a receiver or trustee, it shall be executed on behalf of the corporation sole by such receiver or trustee.

(b) The secretary of state may provide that correcting or updating information appearing on previous annual or biennial filings is sufficient to constitute the current filing.

(3) The secretary may administratively dissolve a corporation sole that does not comply with this section. However, the secretary shall reinstate a corporation sole administratively dissolved under this subsection if the corporation sole complies with the requirements of section 15 of this act within five years of the administrative dissolution.

NEW SECTION. Sec. 14. A new section is added to chapter 24.12 RCW to read as follows:

(1) Not less than thirty days prior to a corporation sole's renewal date, the secretary of state shall mail to each corporation sole, by first-class mail addressed to its registered office, a notice that its annual report must be filed as required by this chapter, and stating that if it fails to file its annual report it shall be dissolved or its certificate of authority revoked, as the case may be. Failure of the secretary of state to mail the notice does not relieve a corporation sole from its obligation to file the annual reports required by this chapter.

(2)(a) The report of a corporation sole shall be delivered to the secretary of state on an annual renewal date as the secretary of state may establish. The secretary of state may adopt rules to establish biennial reporting dates and to stagger reporting dates.

(b) If the secretary of state finds that the report substantially conforms to the requirements of this chapter, the secretary of state shall file that report.

NEW SECTION. Sec. 15. A new section is added to chapter 24.12 RCW to read as follows:

2009 REGULAR SESSION

(1) The secretary of state shall, when exigent or mitigating circumstances are presented, reinstate to full active status any corporation sole previously in good standing that would otherwise be penalized or lose its active status. Any corporation sole desiring to seek relief under this section shall, within five years of the missed filing or lapse, notify the secretary of state in writing. The notification must include the name and mailing address of the corporation sole, the corporate sole officer to whom correspondence should be sent, and a statement under oath by a responsible corporate sole officer, setting forth the nature of the missed filing or lapse, the circumstances of the missed filing or lapse, that disproportionate harm would occur to the corporation sole if relief were not granted, and the relief sought.

(2) Upon receipt of the notice under subsection (1) of this section, the secretary of state shall investigate the circumstances of the missed filing or lapse.

(a) If the secretary of state is satisfied that sufficient exigent or mitigating circumstances exist; that the corporation sole has demonstrated good faith and a reasonable attempt to comply with the applicable corporate sole license statutes of this state; that disproportionate harm would occur to the corporation sole if relief were not granted; and that relief would not be contrary to the public interest expressed in this title, the secretary may issue an order reinstating the corporation sole and specifying any terms and conditions of the relief. Reinstatement may relate back to the date of lapse or dissolution.

(b) If the secretary of state determines the request does not comply with the requirements for relief, the secretary shall issue an order denying the requested relief and stating the reasons for the denial. Any denial of relief by the secretary of state is final and is not appealable.

(c) The secretary of state shall keep records of all requests for relief and the disposition of the requests. The secretary of state shall annually report to the legislature the number of relief requests received in the preceding year and a summary of the secretary's disposition of the requests.

NEW SECTION. Sec. 16. A new section is added to chapter 24.12 RCW to read as follows:

Effective August 1, 2009, a corporation sole may not be formed or incorporated under this chapter.

NEW SECTION. Sec. 17. Sections 5 through 7 of this act are each added to chapter 25.05 RCW under the subchapter heading "Article 11 Limited Liability Partnership."

NEW SECTION. Sec. 18. Sections 8 through 11 of this act are each added to chapter 25.05 RCW under the subchapter heading "Article 12 Foreign Limited Liability Partnership."

NEW SECTION. Sec. 19. Captions used in this act are not any part of the law."

Senator Kline spoke in favor of adoption of the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senator Kline and others to Substitute House Bill No. 1592.

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

MOTION

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

On page 1, line 2 of the title, after "state;" strike the remainder of the title and insert "amending RCW 25.15.270, 25.15.290, 25.05.500, and 25.05.560; adding a new section to chapter 25.15 RCW; adding new sections to chapter 24.12 RCW; adding new sections to chapter 25.05 RCW; and creating a new section."

MOTION

ONE HUNDRED SECOND DAY, APRIL 23, 2009

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

Senator Kline spoke in favor of passage of the bill.

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

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1592 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 1; Excused, 2.

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

Voting nay: Senators Benton, Holmquist and Stevens

Absent: Senator Tom

Excused: Senators Fairley and Jarrett

SUBSTITUTE HOUSE BILL NO. 1592 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 18, 2009

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1845 and asks Senate to recede therefrom. and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Hargrove moved that the Senate recede from its position on the Senate amendments to Substitute House Bill No. 1845.

The President Pro Tempore declared the question before the Senate to be motion by Senator Hargrove that the Senate recede from its position on the Senate amendments to Substitute House Bill No. 1845.

The motion by Senator Hargrove carried and the Senate receded from its amendments to Substitute House Bill No. 1845 by voice vote.

MOTION

On motion of Senator Hargrove, the rules were suspended and Substitute House Bill No. 1845 was returned to second reading for the purposes of amendment.

SECOND READING

2009 REGULAR SESSION

SUBSTITUTE HOUSE BILL NO. 1845, by House Committee on Judiciary (originally sponsored by Representatives Rodne and Pedersen)

Concerning medical support obligations.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following striking amendment by Senator Hargrove and Carrell be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 26.09.105 and 1994 c 230 s 1 are each amended to read as follows:

(1) ~~(In entering or modifying)~~ Whenever a child support order is entered or modified under this chapter, the court shall require ~~(either or)~~ both parents to provide medical support for any child named in the order as provided in this section.

(a) Medical support consists of:

(i) Health insurance coverage; and

(ii) Cash medical support.

(b) Cash medical support consists of:

(i) A parent's monthly payment toward the premium paid for coverage by either the other parent or the state, which represents the obligated parent's proportionate share of the premium paid, but no more than twenty-five percent of the obligated parent's basic support obligation; and

(ii) A parent's proportionate share of uninsured medical expenses.

(c) Under appropriate circumstances, the court may excuse one parent from the responsibility to provide health insurance coverage or the monthly payment toward the premium.

(d) The court shall always require both parents to contribute their proportionate share of uninsured medical expenses.

(2) Both parents share the obligation to provide medical support for the child or children specified in the order, by providing health insurance coverage or contributing a cash medical support obligation when appropriate, and paying a proportionate share of any uninsured medical expenses.

(3)(a) The court may specify how medical support must be provided by each parent under subsection (4) of this section.

(b) If the court does not specify how medical support will be provided or if neither parent provides proof that he or she is providing health insurance coverage for the child at the time the support order is entered, the division of child support or either parent may enforce a parent's obligation to provide medical support under RCW 26.18.170.

(4)(a) If there is sufficient evidence provided at the time the order is entered, the court may make a determination of which parent must provide coverage and which parent must contribute a sum certain amount as his or her monthly payment toward the premium.

(b) If both parents have available health insurance coverage that is accessible to the child at the time the support order is entered, the court has discretion to order the parent with better coverage to provide the health insurance coverage for the child and the other parent to pay a monthly payment toward the premium. In making the determination of which coverage is better, the court shall consider the needs of the child, the cost and extent of each parent's coverage, and the accessibility of the coverage.

(c) Each parent shall remain responsible for his or her proportionate share of uninsured medical expenses.

(5) The order must provide that if the parties' circumstances change, the parties' medical support obligations will be enforced as provided in RCW 26.18.170.

(6) A parent who is ordered to maintain or provide health insurance coverage ~~(except as provided in subsection (2) of this section;)~~ may comply with that requirement by:

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

(a) Providing proof of accessible private insurance coverage for any child named in the order ~~((if: (a)))~~; or

(b) Providing coverage that can be extended to cover the child that is ~~((or becomes))~~ available to that parent through employment or that is union-related~~((and~~ ~~(b))~~), if the cost of such coverage does not exceed twenty-five percent of ~~((the obligated))~~ that parent's basic child support obligation.

~~((2))~~ (7) The court ~~((shall consider the best interests of the child and have discretion to))~~ may order a parent to provide health insurance coverage ~~((when entering or modifying a support order under this chapter if the cost of such coverage))~~ that exceeds twenty-five percent of ~~((the obligated))~~ that parent's basic support obligation if it is in the best interests of the child to provide coverage.

~~((3))~~ (8) If the child receives state-financed medical coverage through the department under chapter 74.09 RCW for which there is an assignment, the obligated parent shall pay a monthly payment toward the premium.

(9) Each parent is responsible for his or her proportionate share of uninsured medical expenses for the child or children covered by the support order.

(10) The parents ~~((shall))~~ must maintain ~~((such))~~ health insurance coverage as required under this section until:

(a) Further order of the court;

(b) The child is emancipated, if there is no express language to the contrary in the order; or

(c) Health insurance is no longer available through the parents' employer or union and no conversion privileges exist to continue coverage following termination of employment.

~~((4))~~ (11) A parent who is required to extend health insurance coverage to a child under this section is liable for any covered health care costs for which the parent receives direct payment from an insurer.

~~((5))~~ (12) This section shall not be construed to limit the authority of the court to enter or modify support orders containing provisions for payment of uninsured health expenses, health care costs, or insurance premiums which are in addition to and not inconsistent with this section.

~~((6))~~ (13) A parent ordered to provide health insurance coverage ~~((shall))~~ must provide proof of such coverage or proof that such coverage is unavailable within twenty days of the entry of the order to:

(a) The ~~((physical custodian))~~ other parent; or

(b) The department of social and health services if the parent has been notified or ordered to make support payments to the Washington state support registry.

~~((7))~~ (14) Every order requiring a parent to provide health care or insurance coverage ~~((shall))~~ must be entered in compliance with RCW 26.23.050 and be subject to direct enforcement as provided under chapter 26.18 RCW.

~~((8))~~ "Health insurance coverage" as used in this section does not include medical assistance provided under chapter 74.09 RCW.) (15) When a parent is providing health insurance coverage at the time the order is entered, the premium shall be included in the worksheets for the calculation of child support under chapter 26.19 RCW.

(16) As used in this section:

(a) "Accessible" means health insurance coverage which provides primary care services to the child or children with reasonable effort by the custodian.

(b) "Cash medical support" means a combination of: (i) A parent's monthly payment toward the premium paid for coverage by either the other parent or the state, which represents the obligated parent's proportionate share of the premium paid, but no more than twenty-five percent of the obligated parent's basic support obligation; and (ii) a parent's proportionate share of uninsured medical expenses.

(c) "Health insurance coverage" does not include medical assistance provided under chapter 74.09 RCW.

(d) "Uninsured medical expenses" includes premiums, copays, deductibles, along with other health care costs not covered by insurance.

(e) "Obligated parent" means a parent ordered to provide health insurance coverage for the children.

(f) "Proportionate share" means an amount equal to a parent's percentage share of the combined monthly net income of both parents as computed when determining a parent's child support obligation under chapter 26.19 RCW.

(g) "Monthly payment toward the premium" means a parent's contribution toward premiums paid by the other parent or the state for insurance coverage for the child, which is based on the obligated parent's proportionate share of the premium paid, but no more than twenty-five percent of the obligated parent's basic support obligation.

(17) The department of social and health services has rule-making authority to enact rules in compliance with 45 C.F.R. Parts 302, 303, 304, 305, and 308.

Sec. 2. RCW 26.18.170 and 2007 c 143 s 1 are each amended to read as follows:

(1) Whenever a parent ~~((who))~~ has been ordered to provide ~~((health insurance coverage))~~ medical support for a dependent child ~~((fails to provide such coverage or lets it lapse)),~~ the department or ~~((a))~~ the other parent may seek enforcement of the ~~((coverage order))~~ medical support as provided under this section.

(a) If the obligated parent provides proof that he or she provides accessible coverage for the child through private insurance, that parent has satisfied his or her obligation to provide health insurance coverage.

(b) If the obligated parent does not provide proof of coverage, either the department or the other parent may take appropriate action as provided in this section to enforce the obligation.

(2) The department may attempt to enforce a parent's obligation to provide health insurance coverage for the dependent child. If health insurance coverage is not available through the parent's employment or union at a cost not to exceed twenty-five percent of the parent's basic support obligation, or as otherwise provided in the support order, the department may enforce any monthly payment toward the premium ordered to be provided under RCW 26.09.105 or 74.20A.300.

(3) A parent seeking to enforce another parent's monthly payment toward the premium under RCW 26.09.105 may:

(a) Apply for support enforcement services from the division of child support as provided by rule; or

(b) Take action on his or her own behalf by:

(i) Filing a motion in the underlying superior court action; or

(ii) Initiating an action in superior court to determine the amount owed by the obligated parent, if there is not already an underlying superior court action.

(4)(a) The department may serve a notice of support owed under RCW 26.23.110 on a parent to determine the amount of that parent's monthly payment toward the premium.

(b) Whether or not the child receives temporary assistance for needy families or medicaid, the department may enforce the responsible parent's monthly payment toward the premium. When the child receives state-financed medical coverage through the department under chapter 74.09 RCW for which there is an assignment, the department may disburse amounts collected to the custodial parent to be used for the medical costs of the child or the department may retain amounts collected and apply them toward the cost of providing the child's state-financed medical coverage. The department may disregard monthly payments toward the premium which are passed through to the family in accordance with federal law.

(5)(a) If the ~~((parent's))~~ order to provide health insurance coverage contains language notifying the parent ordered to provide coverage that failure to provide such coverage or proof that such coverage is unavailable may result in direct

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

enforcement of the order and orders payments through, or has been submitted to, the Washington state support registry for enforcement, then the department may, without further notice to the parent, send a national medical support notice pursuant to 42 U.S.C. Sec. 666(a)(19), and sections 401 (e) and (f) of the federal child support and performance incentive act of 1998 to the parent's employer or union. The notice shall be served:

- (i) By regular mail;
- (ii) In the manner prescribed for the service of a summons in a civil action;
- (iii) By certified mail, return receipt requested; or
- (iv) By electronic means if there is an agreement between the secretary of the department and the person, firm, corporation, association, political subdivision, department of the state, or agency, subdivision, or instrumentality of the United States to accept service by electronic means.

(b) The notice shall require the employer or union to enroll the child in the health insurance plan as provided in subsection ((3)) (8) of this section.

(c) The returned part A of the national medical support notice to the division of child support by the employer constitutes proof of service of the notice in the case where the notice was served by regular mail.

~~((4))~~ (6) Upon receipt of a national medical support notice from a child support agency operating under Title IV-D of the federal social security act:

~~(a) The parent's employer or union shall comply with the provisions of the notice, including meeting response time frames and withholding requirements required under part A of the notice;~~

~~(b) The parent's employer or union shall also be responsible for complying with forwarding part B of the notice to the child's plan administrator, if required by the notice;~~

~~(c) The plan administrator is responsible for complying with the provisions of the notice.~~

(7) If the parent's order to provide health insurance coverage does not order payments through, and has not been submitted to, the Washington state support registry for enforcement:

~~((4))~~ (a) The parent seeking enforcement may, without further notice to the ~~(other)~~ obligated parent, send a certified copy of the order requiring health insurance coverage to the ~~(obligor's)~~ parent's employer or union by certified mail, return receipt requested; and

~~((4))~~ (b) The parent seeking enforcement shall attach a notarized statement to the order declaring that the order is the latest order addressing coverage entered by the court and require the employer or union to enroll the child in the health insurance plan as provided in subsection ((3)) (8) of this section.

~~((3))~~ (8) Upon receipt of an order that provides for health insurance coverage:

(a) The parent's employer or union shall answer the party who sent the order within twenty days and confirm that the child:

- (i) Has been enrolled in the health insurance plan;
- (ii) Will be enrolled; or
- (iii) Cannot be covered, stating the reasons why such coverage cannot be provided;

(b) The employer or union shall withhold any required premium from the parent's income or wages;

(c) If more than one plan is offered by the employer or union, and each plan may be extended to cover the child, then the child shall be enrolled in the parent's plan. If the parent's plan does not provide coverage which is accessible to the child, the child shall be enrolled in the least expensive plan otherwise available to the parent;

(d) The employer or union shall provide information about the name of the health insurance coverage provider or issuer and the extent of coverage available to the parent and shall make available any necessary claim forms or enrollment membership cards.

~~((4)) Upon receipt of a national medical support notice from a child support agency operating under Title IV-D of the federal social security act:~~

~~(a) The parent's employer or union shall comply with the provisions of the notice, including meeting response time frames and withholding requirements required under part A of the notice;~~

~~(b) The parent's employer or union shall also be responsible for complying with forwarding part B of the notice to the child's plan administrator, if required by the notice;~~

~~(c) The plan administrator shall be responsible for complying with the provisions of the notice.~~

~~((5))~~ (9) If the order for coverage contains no language notifying either or both parents that failure to provide health insurance coverage or proof that such coverage is unavailable may result in direct enforcement of the order, the department or the parent seeking enforcement may serve a written notice of intent to enforce the order on the ~~((other))~~ obligated parent by certified mail, return receipt requested, or by personal service. If the parent required to provide medical support fails to provide written proof that such coverage has been obtained or applied for or fails to provide proof that such coverage is unavailable within twenty days of service of the notice, the department or the parent seeking enforcement may proceed to enforce the order directly as provided in subsection ((2)) (5) of this section.

~~((6))~~ (10) If the parent ordered to provide health insurance coverage elects to provide coverage that will not be accessible to the child because of geographic or other limitations when accessible coverage is otherwise available, the department or the parent seeking enforcement may serve a written notice of intent to purchase health insurance coverage on the obligated parent ~~((required to provide medical support))~~ by certified mail, return receipt requested. The notice shall also specify the type and cost of coverage.

~~((7))~~ (11) If the department serves a notice under subsection ~~((6))~~ (10) of this section the parent required to provide medical support shall, within twenty days of the date of service:

- (a) File an application for an adjudicative proceeding; or
- (b) Provide written proof to the department that the obligated parent has either applied for, or obtained, coverage accessible to the child.

~~((8))~~ (12) If the parent seeking enforcement serves a notice under subsection ~~((6))~~ (10) of this section, within twenty days of the date of service the parent required to provide medical support shall provide written proof to the parent seeking enforcement that ~~((the parent required to provide medical support))~~ he or she has either applied for, or obtained, coverage accessible to the child.

~~((9))~~ (13) If the parent required to provide medical support fails to respond to a notice served under subsection ~~((6))~~ (10) of this section to the party who served the notice, the party who served the notice may purchase the health insurance coverage specified in the notice directly.

(a) If the obligated parent is the responsible parent, the amount of the monthly premium shall be added to the support debt and be collectible without further notice.

(b) If the obligated parent is the custodial parent, the responsible parent may file an application for enforcement services and ask the department to establish and enforce the custodial parent's obligation.

~~(c) The amount of the monthly premium may be collected or accrued until the parent required to provide medical support provides proof of the required coverage.~~

~~((10))~~ (14) The signature of the parent seeking enforcement or of a department employee shall be a valid authorization to the coverage provider or issuer for purposes of processing a payment to the child's health services provider. An order for health insurance coverage shall operate as an assignment of all benefit rights to the parent seeking enforcement or to the child's health services provider, and in any

ONE HUNDRED SECOND DAY, APRIL 23, 2009

claim against the coverage provider or issuer, the parent seeking enforcement or his or her assignee shall be subrogated to the rights of the parent obligated to provide medical support for the child. Notwithstanding the provisions of this section regarding assignment of benefits, this section shall not require a health care service contractor authorized under chapter 48.44 RCW or a health maintenance organization authorized under chapter 48.46 RCW to deviate from their contractual provisions and restrictions regarding reimbursement for covered services. If the coverage is terminated, the employer shall mail a notice of termination to the department or the parent seeking enforcement at that parent's last known address within thirty days of the termination date.

~~((+1))~~ (15) This section shall not be construed to limit the right of the parents or parties to the support order to bring an action in superior court at any time to enforce, modify, or clarify the original support order.

~~((+2))~~ (16) Where a child does not reside in the issuer's service area, an issuer shall cover no less than urgent and emergent care. Where the issuer offers broader coverage, whether by policy or reciprocal agreement, the issuer shall provide such coverage to any child otherwise covered that does not reside in the issuer's service area.

~~((+3))~~ (17) If a parent required to provide medical support fails to pay his or her portion, determined under RCW 26.19.080, of any premium, deductible, copay, or uninsured medical expense incurred on behalf of the child, pursuant to a child support order, the department or the ~~((oblige))~~ parent seeking reimbursement of medical expenses may enforce collection of ~~((that))~~ the obligated parent's portion of the premium, deductible, copay, or uninsured medical expense incurred on behalf of the child.

(a) If the department is enforcing the order ~~((the parent required to provide medical support shall have his or her))~~ and the responsible parent is the obligated parent, the obligated parent's portion of the premium, deductible, copay, or uninsured medical expenses incurred on behalf of the child added to the support debt and be collectible without further notice, following the reduction of the expenses to a sum certain either in a court order or by the department, pursuant to RCW 26.23.110.

~~((+4))~~ (b) If the custodial parent is the obligated parent, the responsible parent may file an application for enforcement services and ask the department to establish and enforce the custodial parent's obligation.

(18) As used in this section:

(a) "Accessible" means health insurance coverage which provides primary care services to the child or children with reasonable effort by the custodian.

(b) "Cash medical support" means a combination of: (i) A parent's monthly payment toward the premium paid for coverage by either the other parent or the state, which represents the obligated parent's proportionate share of the premium paid, but no more than twenty-five percent of the obligated parent's basic support obligation; and (ii) a parent's proportionate share of uninsured medical expenses.

(c) "Health insurance coverage" does not include medical assistance provided under chapter 74.09 RCW.

(d) "Uninsured medical expenses" includes premiums, copays, deductibles, along with other health care costs not covered by insurance.

(e) "Obligated parent" means a parent ordered to provide health insurance coverage for the children.

(f) "Monthly payment toward the premium" means a parent's contribution toward premiums paid by the other parent or the state for insurance coverage for the child, which is based on the obligated parent's proportionate share of the premium paid, but no more than twenty-five percent of the obligated parent's basic support obligation.

(19) The department has rule-making authority to enact rules consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec.

2009 REGULAR SESSION

666(a)(19) as amended by section 7307 of the deficit reduction act of 2005. Additionally, the department has rule-making authority to implement regulations required under ~~((parts))~~ 45 C.F.R. Parts 302, 303, 304, 305, and 308.

Sec. 3. RCW 26.18.180 and 2000 c 86 s 3 are each amended to read as follows:

(1) ~~((An obligated parent's))~~ The employer or union of a parent who has been ordered to provide health insurance coverage shall be liable for a fine of up to one thousand dollars per occurrence, if the employer or union fails or refuses, within twenty days of receiving the order or notice for health insurance coverage to:

(a) Promptly enroll the ~~((obligated))~~ parent's child in the health insurance plan; or

(b) Make a written answer to the person or entity who sent the order or notice for health insurance coverage stating that the child:

(i) Will be enrolled in the next available open enrollment period; or

(ii) Cannot be covered and explaining the reasons why coverage cannot be provided.

(2) Liability may be established and the fine may be collected by the office of support enforcement under chapter 74.20A or 26.23 RCW using any of the remedies contained in those chapters.

(3) Any employer or union who enrolls a child in a health insurance plan in compliance with chapter 26.18 RCW shall be exempt from liability resulting from such enrollment.

Sec. 4. RCW 26.23.050 and 2007 c 143 s 3 are each amended to read as follows:

(1) If the division of child support is providing support enforcement services under RCW 26.23.045, or if a party is applying for support enforcement services by signing the application form on the bottom of the support order, the superior court shall include in all court orders that establish or modify a support obligation:

(a) A provision that orders and directs the responsible parent to make all support payments to the Washington state support registry;

(b) A statement that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the responsible parent at any time after entry of the court order, unless:

(i) One of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding and that withholding should be delayed until a payment is past due; or

(ii) The parties reach a written agreement that is approved by the court that provides for an alternate arrangement;

(c) A statement that the receiving parent might be required to submit an accounting of how the support, including any cash medical support, is being spent to benefit the child;

(d) A statement that any parent required to provide health insurance coverage for the child or children covered by the order must notify the division of child support and the other parent when the coverage terminates; and

~~((+5))~~ (e) A statement that the responsible parent's privileges to obtain and maintain a license, as defined in RCW 74.20A.320, may not be renewed, or may be suspended if the parent is not in compliance with a support order as provided in RCW 74.20A.320.

As used in this subsection and subsection (3) of this section, "good cause not to require immediate income withholding" means a written determination of why implementing immediate wage withholding would not be in the child's best interests and, in modification cases, proof of timely payment of previously ordered support.

(2) In all other cases not under subsection (1) of this section, the court may order the responsible parent to make payments directly to the person entitled to receive the payments, to the

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

Washington state support registry, or may order that payments be made in accordance with an alternate arrangement agreed upon by the parties.

(a) The superior court shall include in all orders under this subsection that establish or modify a support obligation:

(i) A statement that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the responsible parent at any time after entry of the court order, unless:

(A) One of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding and that withholding should be delayed until a payment is past due; or

(B) The parties reach a written agreement that is approved by the court that provides for an alternate arrangement; ~~((and))~~

(ii) A statement that the receiving parent may be required to submit an accounting of how the support is being spent to benefit the child;

(iii) A statement that any parent required to provide health insurance coverage for the child or children covered by the order must notify the division of child support and the other parent when the coverage terminates; and

(iv) A statement that a parent seeking to enforce the obligation to provide health insurance coverage may:

(A) File a motion in the underlying superior court action; or

(B) If there is not already an underlying superior court action, initiate an action in the superior court.

As used in this subsection, "good cause not to require immediate income withholding" is any reason that the court finds appropriate.

(b) The superior court may order immediate or delayed income withholding as follows:

(i) Immediate income withholding may be ordered if the responsible parent has earnings. If immediate income withholding is ordered under this subsection, all support payments shall be paid to the Washington state support registry. The superior court shall issue a mandatory wage assignment order as set forth in chapter 26.18 RCW when the support order is signed by the court. The parent entitled to receive the transfer payment is responsible for serving the employer with the order and for its enforcement as set forth in chapter 26.18 RCW.

(ii) If immediate income withholding is not ordered, the court shall require that income withholding be delayed until a payment is past due. The support order shall contain a statement that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the responsible parent, after a payment is past due.

(c) If a mandatory wage withholding order under chapter 26.18 RCW is issued under this subsection and the division of child support provides support enforcement services under RCW 26.23.045, the existing wage withholding assignment is prospectively superseded upon the division of child support's subsequent service of an income withholding notice.

(3) The office of administrative hearings and the department of social and health services shall require that all support obligations established as administrative orders include a provision which orders and directs that the responsible parent shall make all support payments to the Washington state support registry. All administrative orders shall also state that the responsible parent's privileges to obtain and maintain a license, as defined in RCW 74.20A.320, may not be renewed, or may be suspended if the parent is not in compliance with a support order as provided in RCW 74.20A.320. All administrative orders shall also state that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state without further notice to the responsible parent at any time after entry of the order, unless:

(a) One of the parties demonstrates, and the presiding officer finds, that there is good cause not to require immediate income withholding; or

(b) The parties reach a written agreement that is approved by the presiding officer that provides for an alternate agreement.

(4) If the support order does not include the provision ordering and directing that all payments be made to the Washington state support registry and a statement that withholding action may be taken against wages, earnings, assets, or benefits if a support payment is past due or at any time after the entry of the order, or that a parent's licensing privileges may not be renewed, or may be suspended, the division of child support may serve a notice on the responsible parent stating such requirements and authorizations. Service may be by personal service or any form of mail requiring a return receipt.

(5) Every support order shall state:

(a) The address where the support payment is to be sent;

(b) That withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the responsible parent at any time after entry of a support order, unless:

(i) One of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding; or

(ii) The parties reach a written agreement that is approved by the court that provides for an alternate arrangement;

(c) The income of the parties, if known, or that their income is unknown and the income upon which the support award is based;

(d) The support award as a sum certain amount;

(e) The specific day or date on which the support payment is due;

(f) The names and ages of the dependent children;

(g) A provision requiring both the responsible parent and the custodial parent to keep the Washington state support registry informed of whether he or she has access to health insurance coverage at reasonable cost and, if so, the health insurance policy information;

(h) That either or both the responsible parent and the custodial parent shall be obligated to provide ~~((health insurance coverage))~~ medical support for his or her child through health insurance coverage if:

(i) The obligated parent provides accessible coverage for the child through private insurance; or

(ii) Coverage that can be extended to cover the child is or becomes available to the parent through employment or is union-related; or

(iii) In the absence of such coverage, through an additional sum certain amount, as that parent's monthly payment toward the premium as provided under RCW 26.09.105;

(i) That a parent providing health insurance coverage must notify both the division of child support and the other parent when coverage terminates;

(j) That if proof of health insurance coverage or proof that the coverage is unavailable is not provided within twenty days, the parent seeking enforcement or the department may seek direct enforcement of the coverage through the employer or union of the parent required to provide medical support without further notice to the parent as provided under chapter 26.18 RCW;

~~((f))~~ (k) The reasons for not ordering health insurance coverage if the order fails to require such coverage;

~~((k))~~ (l) That the responsible parent's privileges to obtain and maintain a license, as defined in RCW 74.20A.320, may not be renewed, or may be suspended if the parent is not in compliance with a support order as provided in RCW 74.20A.320;

~~((l))~~ (m) That each parent must:

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

(i) Promptly file with the court and update as necessary the confidential information form required by subsection (7) of this section; and

(ii) Provide the state case registry and update as necessary the information required by subsection (7) of this section; and

~~((m))~~ (n) That parties to administrative support orders shall provide to the state case registry and update as necessary their residential addresses and the address of the responsible parent's employer. The division of child support may adopt rules that govern the collection of parties' current residence and mailing addresses, telephone numbers, dates of birth, social security numbers, the names of the children, social security numbers of the children, dates of birth of the children, driver's license numbers, and the names, addresses, and telephone numbers of the parties' employers to enforce an administrative support order. The division of child support shall not release this information if the division of child support determines that there is reason to believe that release of the information may result in physical or emotional harm to the party or to the child, or a restraining order or protective order is in effect to protect one party from the other party.

(6) After the responsible parent has been ordered or notified to make payments to the Washington state support registry under this section, the responsible parent shall be fully responsible for making all payments to the Washington state support registry and shall be subject to payroll deduction or other income-withholding action. The responsible parent shall not be entitled to credit against a support obligation for any payments made to a person or agency other than to the Washington state support registry except as provided under RCW 74.20.101. A civil action may be brought by the payor to recover payments made to persons or agencies who have received and retained support moneys paid contrary to the provisions of this section.

(7) All petitioners and parties to all court actions under chapters 26.09, 26.10, 26.12, 26.18, 26.21A, 26.23, 26.26, and 26.27 RCW shall complete to the best of their knowledge a verified and signed confidential information form or equivalent that provides the parties' current residence and mailing addresses, telephone numbers, dates of birth, social security numbers, driver's license numbers, and the names, addresses, and telephone numbers of the parties' employers. The clerk of the court shall not accept petitions, except in parentage actions initiated by the state, orders of child support, decrees of dissolution, or paternity orders for filing in such actions unless accompanied by the confidential information form or equivalent, or unless the confidential information form or equivalent is already on file with the court clerk. In lieu of or in addition to requiring the parties to complete a separate confidential information form, the clerk may collect the information in electronic form. The clerk of the court shall transmit the confidential information form or its data to the division of child support with a copy of the order of child support or paternity order, and may provide copies of the confidential information form or its data and any related findings, decrees, parenting plans, orders, or other documents to the state administrative agency that administers Title IV-A, IV-D, IV-E, or XIX of the federal social security act. In state initiated paternity actions, the parties adjudicated the parents of the child or children shall complete the confidential information form or equivalent or the state's attorney of record may complete that form to the best of the attorney's knowledge.

(8) The department has rule-making authority to enact rules consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as amended by section 7307 of the deficit reduction act of 2005. Additionally, the department has rule-making authority to implement regulations required under ~~((parts))~~ 45 C.F.R. Parts 302, 303, 304, 305, and 308.

Sec. 5. RCW 26.23.110 and 2007 c 143 s 4 are each amended to read as follows:

(1) The department may serve a notice of support owed on a responsible parent when a support order:

(a) Does not state the current and future support obligation as a fixed dollar amount;

(b) Contains an escalation clause or adjustment provision for which additional information not contained in the support order is needed to determine the fixed dollar amount of the support debt or the fixed dollar amount of the current and future support obligation, or both; or

(c) Provides that the responsible parent is responsible for paying for a portion of uninsured medical costs, copayments, and/or deductibles incurred on behalf of the child, but does not reduce the costs to a fixed dollar amount.

(2) The department may serve a notice of support owed on a parent who has been designated to pay per a support order a portion of uninsured medical costs, copayments, or deductibles incurred on behalf of the child, but only when the support order does not reduce the costs to a fixed dollar amount.

(3) The department may serve a notice of support owed to determine a parent's monthly payment toward the premium as defined in RCW 26.09.105, if the support order does not set a fixed dollar amount for the monthly payment toward the premium.

(4) The notice of support owed shall facilitate enforcement of the support order and implement and effectuate the terms of the support order, rather than modify those terms. When the office of support enforcement issues a notice of support owed, the office shall inform the payee under the support order.

~~((4))~~ (5) The notice of support owed shall be served on a responsible parent by personal service or any form of mailing requiring a return receipt. The notice shall be served on the applicant or recipient of services by first-class mail to the last known address. The notice of support owed shall contain an initial finding of the fixed dollar amount of current and future support obligation that should be paid or the fixed dollar amount of the support debt owed under the support order, or both.

~~((5))~~ (6) A parent who objects to the fixed dollar amounts stated in the notice of support owed has twenty days from the date of the service of the notice of support owed to file an application for an adjudicative proceeding or initiate an action in superior court.

~~((6))~~ (7) The notice of support owed shall state that the parent may:

(a) File an application for an adjudicative proceeding governed by chapter 34.05 RCW, the administrative procedure act, in which the parent will be required to appear and show cause why the fixed dollar amount of support debt or current and future support obligation, or both, stated in the notice of support owed is incorrect and should not be ordered; or

(b) Initiate an action in superior court.

~~((7))~~ (8) If either parent does not file an application for an adjudicative proceeding or initiate an action in superior court, the fixed dollar amount of current and future support obligation or support debt, or both, stated in the notice of support owed shall become final and subject to collection action.

~~((8))~~ (9) If an adjudicative proceeding is requested, the department shall mail a copy of the notice of adjudicative proceeding to the parties.

~~((9))~~ (10) If either parent does not initiate an action in superior court, and serve notice of the action on the department and the other party to the support order within the twenty-day period, the parent shall be deemed to have made an election of remedies and shall be required to exhaust administrative remedies under this chapter with judicial review available as provided for in RCW 34.05.510 through 34.05.598.

~~((10))~~ (11) An adjudicative order entered in accordance with this section shall state the basis, rationale, or formula upon which the fixed dollar amounts established in the adjudicative order were based. The fixed dollar amount of current and future support obligation or the amount of the support debt, or both,

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

determined under this section shall be subject to collection under this chapter and other applicable state statutes.

~~((+))~~ (12) The department shall also provide for:

(a) An annual review of the support order if either the office of support enforcement or the parent requests such a review; and

(b) A late adjudicative proceeding if the parent fails to file an application for an adjudicative proceeding in a timely manner under this section.

~~((+))~~ (13) If an annual review or late adjudicative proceeding is requested under subsection ~~((+))~~ (12) of this section, the department shall mail a copy of the notice of adjudicative proceeding to the parties' last known address.

~~((+))~~ (14) The department has rule-making authority to enact rules consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as amended by section 7307 of the deficit reduction act of 2005. Additionally, the department has rule-making authority to implement regulations required under ~~(parts)~~ 45 C.F.R. Parts 302, 303, 304, 305, and 308.

Sec. 6. RCW 74.20A.300 and 1994 c 230 s 22 are each amended to read as follows:

(1) Whenever a support order is entered or modified under this chapter, the department shall require ~~((the responsible))~~ either or both parents to ~~((maintain or provide health insurance coverage))~~ provide medical support for any dependent child, in the nature of health insurance coverage or a monthly payment toward the premium, as provided under RCW 26.09.105.

(2) "Health insurance coverage" as used in this section does not include medical assistance provided under chapter 74.09 RCW.

(3) A parent ordered to provide health insurance coverage shall provide proof of such coverage or proof that such coverage is unavailable to the department within twenty days of the entry of the order.

(4) A parent required to provide health insurance coverage must notify the department and the other parent when coverage terminates.

(5) Every order requiring a parent to provide health insurance coverage shall be entered in compliance with RCW 26.23.050 and be subject to direct enforcement as provided under chapter 26.18 RCW.

Sec. 7. RCW 74.20A.055 and 2007 c 143 s 8 are each amended to read as follows:

(1) The secretary may, if there is no order that establishes the responsible parent's support obligation or specifically relieves the responsible parent of a support obligation or pursuant to an establishment of paternity under chapter 26.26 RCW, serve on the responsible parent or parents and custodial parent a notice and finding of financial responsibility requiring the parents to appear and show cause in an adjudicative proceeding why the finding of responsibility and/or the amount thereof is incorrect, should not be finally ordered, but should be rescinded or modified. This notice and finding shall relate to the support debt accrued and/or accruing under this chapter and/or RCW 26.16.205, including periodic payments to be made in the future. The hearing shall be held pursuant to this section, chapter 34.05 RCW, the Administrative Procedure Act, and the rules of the department. A custodian who has physical custody of a child has the same rights that a custodial parent has under this section.

(2) The notice and finding of financial responsibility shall be served in the same manner prescribed for the service of a summons in a civil action or may be served on the responsible parent by certified mail, return receipt requested. The receipt shall be prima facie evidence of service. The notice shall be served upon the debtor within sixty days from the date the state assumes responsibility for the support of the dependent child or children on whose behalf support is sought. If the notice is not served within sixty days from such date, the department shall lose the right to reimbursement of payments made after the sixty-day period and before the date of notification: PROVIDED, That if the department exercises reasonable efforts

to locate the debtor and is unable to do so the entire sixty-day period is tolled until such time as the debtor can be located. The notice may be served upon the custodial parent who is the nonassistance applicant or public assistance recipient by first-class mail to the last known address. If the custodial parent is not the nonassistance applicant or public assistance recipient, service shall be in the same manner as for the responsible parent.

(3) The notice and finding of financial responsibility shall set forth the amount the department has determined the responsible parent owes, the support debt accrued and/or accruing, and periodic payments to be made in the future. The notice and finding shall also include:

(a) A statement of the name of the custodial parent and the name of the child or children for whom support is sought;

(b) A statement of the amount of periodic future support payments as to which financial responsibility is alleged;

(c) A statement that the responsible parent or custodial parent may object to all or any part of the notice and finding, and file an application for an adjudicative proceeding to show cause why the terms set forth in the notice should not be ordered;

(d) A statement that, if neither the responsible parent nor the custodial parent files in a timely fashion an application for an adjudicative proceeding, the support debt and payments stated in the notice and finding, including periodic support payments in the future, shall be assessed and determined and ordered by the department and that this debt and amounts due under the notice shall be subject to collection action;

(e) A statement that the property of the debtor, without further advance notice or hearing, will be subject to lien and foreclosure, distraint, seizure and sale, order to withhold and deliver, notice of payroll deduction or other collection action to satisfy the debt and enforce the support obligation established under the notice;

(f) A statement that either or both parents are responsible for providing health insurance for his or her child if coverage that can be extended to cover the child either through private health insurance which is accessible to the child or through coverage that is or becomes available to the parent through employment or is union-related, or for paying a monthly payment toward the premium if no such coverage is available, as provided under RCW 26.09.105.

(4) A responsible parent or custodial parent who objects to the notice and finding of financial responsibility may file an application for an adjudicative proceeding within twenty days of the date of service of the notice or thereafter as provided under this subsection.

(a) If the responsible parent or custodial parent files the application within twenty days, the office of administrative hearings shall schedule an adjudicative proceeding to hear the parent's or parents' objection and determine the support obligation for the entire period covered by the notice and finding of financial responsibility. The filing of the application stays collection action pending the entry of a final administrative order;

(b) If both the responsible parent and the custodial parent fail to file an application within twenty days, the notice and finding shall become a final administrative order. The amounts for current and future support and the support debt stated in the notice are final and subject to collection, except as provided under (c) and (d) of this subsection;

(c) If the responsible parent or custodial parent files the application more than twenty days after, but within one year of the date of service, the office of administrative hearings shall schedule an adjudicative proceeding to hear the parent's or parents' objection and determine the support obligation for the entire period covered by the notice and finding of financial responsibility. The filing of the application does not stay further collection action, pending the entry of a final administrative order, and does not affect any prior collection action;

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

(d) If the responsible parent or custodial parent files the application more than one year after the date of service, the office of administrative hearings shall schedule an adjudicative proceeding at which the parent who requested the late hearing must show good cause for failure to file a timely application. The filing of the application does not stay future collection action and does not affect prior collection action:

(i) If the presiding officer finds that good cause exists, the presiding officer shall proceed to hear the parent's objection to the notice and determine the support obligation;

(ii) If the presiding officer finds that good cause does not exist, the presiding officer shall treat the application as a petition for prospective modification of the amount for current and future support established under the notice and finding. In the modification proceeding, the presiding officer shall set current and future support under chapter 26.19 RCW. The petitioning parent need show neither good cause nor a substantial change of circumstances to justify modification of current and future support;

(e) If the responsible parent's support obligation was based upon imputed median net income, the grant standard, or the family need standard, the division of child support may file an application for adjudicative proceeding more than twenty days after the date of service of the notice. The office of administrative hearings shall schedule an adjudicative proceeding and provide notice of the hearing to the responsible parent and the custodial parent. The presiding officer shall determine the support obligation for the entire period covered by the notice, based upon credible evidence presented by the division of child support, the responsible parent, or the custodial parent, or may determine that the support obligation set forth in the notice is correct. The division of child support demonstrates good cause by showing that the responsible parent's support obligation was based upon imputed median net income, the grant standard, or the family need standard. The filing of the application by the division of child support does not stay further collection action, pending the entry of a final administrative order, and does not affect any prior collection action.

(f) The department shall retain and/or shall not refund support money collected more than twenty days after the date of service of the notice. Money withheld as the result of collection action shall be delivered to the department. The department shall distribute such money, as provided in published rules.

(5) If an application for an adjudicative proceeding is filed, the presiding or reviewing officer shall determine the past liability and responsibility, if any, of the alleged responsible parent and shall also determine the amount of periodic payments to be made in the future, which amount is not limited by the amount of any public assistance payment made to or for the benefit of the child. If deviating from the child support schedule in making these determinations, the presiding or reviewing officer shall apply the standards contained in the child support schedule and enter written findings of fact supporting the deviation.

(6) If either the responsible parent or the custodial parent fails to attend or participate in the hearing or other stage of an adjudicative proceeding, upon a showing of valid service, the presiding officer shall enter an order of default against each party who did not appear and may enter an administrative order declaring the support debt and payment provisions stated in the notice and finding of financial responsibility to be assessed and determined and subject to collection action. The parties who appear may enter an agreed settlement or consent order, which may be different than the terms of the department's notice. Any party who appears may choose to proceed to the hearing, after the conclusion of which the presiding officer or reviewing officer may enter an order that is different than the terms stated in the notice, if the obligation is supported by credible evidence presented by any party at the hearing.

(7) The final administrative order establishing liability and/or future periodic support payments shall be superseded

upon entry of a superior court order for support to the extent the superior court order is inconsistent with the administrative order.

(8) Debts determined pursuant to this section, accrued and not paid, are subject to collection action under this chapter without further necessity of action by a presiding or reviewing officer.

(9) The department has rule-making authority to enact rules consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as amended by section 7307 of the deficit reduction act of 2005. Additionally, the department has rule-making authority to implement regulations required under ((parts)) 45 C.F.R. Parts 302, 303, 304, 305, and 308.

Sec. 8. RCW 74.20A.056 and 2007 c 143 s 9 are each amended to read as follows:

(1) If an alleged father has signed an affidavit acknowledging paternity which has been filed with the state registrar of vital statistics before July 1, 1997, the division of child support may serve a notice and finding of parental responsibility on him and the custodial parent. Procedures for and responsibility resulting from acknowledgments filed after July 1, 1997, are in subsections (8) and (9) of this section. Service of the notice shall be in the same manner as a summons in a civil action or by certified mail, return receipt requested, on the alleged father. The custodial parent shall be served by first-class mail to the last known address. If the custodial parent is not the nonassistance applicant or public assistance recipient, service shall be in the same manner as for the responsible parent. The notice shall have attached to it a copy of the affidavit or certification of birth record information advising of the existence of a filed affidavit, provided by the state registrar of vital statistics, and shall state that:

(a) Either or both parents are responsible for providing health insurance for their child either through private health insurance which is accessible to the child or through coverage that if coverage that can be extended to cover the child is or becomes available to the parent through employment or is union-related, or for paying a monthly payment toward the premium if no such coverage is available, as provided under RCW 26.09.105;

(b) The alleged father or custodial parent may file an application for an adjudicative proceeding at which they both will be required to appear and show cause why the amount stated in the notice as to support is incorrect and should not be ordered;

(c) An alleged father or mother, if she is also the custodial parent, may request that a blood or genetic test be administered to determine whether such test would exclude him from being a natural parent and, if not excluded, may subsequently request that the division of child support initiate an action in superior court to determine the existence of the parent-child relationship; and

(d) If neither the alleged father nor the custodial parent requests that a blood or genetic test be administered or files an application for an adjudicative proceeding, the amount of support stated in the notice and finding of parental responsibility shall become final, subject only to a subsequent determination under RCW 26.26.500 through 26.26.630 that the parent-child relationship does not exist.

(2) An alleged father or custodial parent who objects to the amount of support requested in the notice may file an application for an adjudicative proceeding up to twenty days after the date the notice was served. An application for an adjudicative proceeding may be filed within one year of service of the notice and finding of parental responsibility without the necessity for a showing of good cause or upon a showing of good cause thereafter. An adjudicative proceeding under this section shall be pursuant to RCW 74.20A.055. The only issues shall be the amount of the accrued debt, the amount of the current and future support obligation, and the reimbursement of the costs of blood or genetic tests if advanced by the department.

ONE HUNDRED SECOND DAY, APRIL 23, 2009

A custodian who is not the parent of a child and who has physical custody of a child has the same notice and hearing rights that a custodial parent has under this section.

(3) If the application for an adjudicative proceeding is filed within twenty days of service of the notice, collection action shall be stayed pending a final decision by the department. If no application is filed within twenty days:

(a) The amounts in the notice shall become final and the debt created therein shall be subject to collection action; and

(b) Any amounts so collected shall neither be refunded nor returned if the alleged father is later found not to be a responsible parent.

(4) An alleged father or the mother, if she is also the custodial parent, may request that a blood or genetic test be administered at any time. The request for testing shall be in writing, or as the department may specify by rule, and served on the division of child support. If a request for testing is made, the department shall arrange for the test and, pursuant to rules adopted by the department, may advance the cost of such testing. The department shall mail a copy of the test results by certified mail, return receipt requested, to the alleged father's and mother's, if she is also the custodial parent, last known address.

(5) If the test excludes the alleged father from being a natural parent, the division of child support shall file a copy of the results with the state registrar of vital statistics and shall dismiss any pending administrative collection proceedings based upon the affidavit in issue. The state registrar of vital statistics shall remove the alleged father's name from the birth certificate and change the child's surname to be the same as the mother's maiden name as stated on the birth certificate, or any other name which the mother may select.

(6) The alleged father or mother, if she is also the custodial parent, may, within twenty days after the date of receipt of the test results, request the division of child support to initiate an action under RCW 26.26.500 through 26.26.630 to determine the existence of the parent-child relationship. If the division of child support initiates a superior court action at the request of the alleged father or mother and the decision of the court is that the alleged father is a natural parent, the parent who requested the test shall be liable for court costs incurred.

(7) If the alleged father or mother, if she is also the custodial parent, does not request the division of child support to initiate a superior court action, or fails to appear and cooperate with blood or genetic testing, the notice of parental responsibility shall become final for all intents and purposes and may be overturned only by a subsequent superior court order entered under RCW 26.26.500 through 26.26.630.

(8)(a) Subsections (1) through (7) of this section do not apply to acknowledgments of paternity filed with the state registrar of vital statistics after July 1, 1997.

(b) If an acknowledged father has signed an acknowledgment of paternity that has been filed with the state registrar of vital statistics after July 1, 1997:

(i) The division of child support may serve a notice and finding of financial responsibility under RCW 74.20A.055 based on the acknowledgment. The division of child support shall attach a copy of the acknowledgment or certification of the birth record information advising of the existence of a filed acknowledgment of paternity to the notice;

(ii) The notice shall include a statement that the acknowledged father or any other signatory may commence a proceeding in court to rescind or challenge the acknowledgment or denial of paternity under RCW 26.26.330 and 26.26.335;

(iii) A statement that either or both parents are responsible for providing health insurance for his or her child if coverage that can be extended to cover the child is or becomes available to the parent through employment or is union-related as provided under RCW 26.09.105; and

(iv) The party commencing the action to rescind or challenge the acknowledgment or denial must serve notice on

2009 REGULAR SESSION

the division of child support and the office of the prosecuting attorney in the county in which the proceeding is commenced. Commencement of a proceeding to rescind or challenge the acknowledgment or denial stays the establishment of the notice and finding of financial responsibility, if the notice has not yet become a final order.

(c) If neither the acknowledged father nor the other party to the notice files an application for an adjudicative proceeding or the signatories to the acknowledgment or denial do not commence a proceeding to rescind or challenge the acknowledgment of paternity, the amount of support stated in the notice and finding of financial responsibility becomes final, subject only to a subsequent determination under RCW 26.26.500 through 26.26.630 that the parent-child relationship does not exist. The division of child support does not refund nor return any amounts collected under a notice that becomes final under this section or RCW 74.20A.055, even if a court later determines that the acknowledgment is void.

(d) An acknowledged father or other party to the notice who objects to the amount of support requested in the notice may file an application for an adjudicative proceeding up to twenty days after the date the notice was served. An application for an adjudicative proceeding may be filed within one year of service of the notice and finding of parental responsibility without the necessity for a showing of good cause or upon a showing of good cause thereafter. An adjudicative proceeding under this section shall be pursuant to RCW 74.20A.055. The only issues shall be the amount of the accrued debt and the amount of the current and future support obligation.

(i) If the application for an adjudicative proceeding is filed within twenty days of service of the notice, collection action shall be stayed pending a final decision by the department.

(ii) If the application for an adjudicative proceeding is not filed within twenty days of the service of the notice, any amounts collected under the notice shall be neither refunded nor returned if the alleged father is later found not to be a responsible parent.

(e) If neither the acknowledged father nor the custodial parent requests an adjudicative proceeding, or if no timely action is brought to rescind or challenge the acknowledgment or denial after service of the notice, the notice of financial responsibility becomes final for all intents and purposes and may be overturned only by a subsequent superior court order entered under RCW 26.26.500 through 26.26.630.

(9) Acknowledgments of paternity that are filed after July 1, 1997, are subject to requirements of chapters 26.26, the uniform parentage act, and 70.58 RCW.

(10) The department and the department of health may adopt rules to implement the requirements under this section.

(11) The department has rule-making authority to enact rules consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as amended by section 7307 of the deficit reduction act of 2005. Additionally, the department has rule-making authority to implement regulations required under ((parts)) 45 C.F.R. Parts 302, 303, 304, 305, and 308.

Sec. 9. RCW 74.20A.059 and 1991 c 367 s 47 are each amended to read as follows:

(1) The department, the physical custodian, or the responsible parent may petition for a prospective modification of a final administrative order if:

(a) The administrative order has not been superseded by a superior court order; and

(b) There has been a substantial change of circumstances, except as provided under RCW 74.20A.055(4)(d).

(2) An order of child support may be modified one year or more after it has been entered without showing a substantial change of circumstances:

(a) If the order in practice works a severe economic hardship on either party or the child; or

(b) If a party requests an adjustment in an order for child support that was based on guidelines which determined the

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

amount of support according to the child's age, and the child is no longer in the age category on which the current support amount was based; or

(c) If a child is a full-time student and reasonably expected to complete secondary school or the equivalent level of vocational or technical training before the child becomes nineteen years of age upon a finding that there is a need to extend support beyond the eighteenth birthday.

(3) An order may be modified without showing a substantial change of circumstances if the requested modification is to:

(a) Require ~~((health insurance coverage))~~ medical support under RCW 26.09.105 for a child covered by the order; or

(b) Modify an existing order for health insurance coverage.

(4) Support orders may be adjusted once every twenty-four months based upon changes in the income of the parents without a showing of substantially changed circumstances.

(5)(a) All administrative orders entered on, before, or after September 1, 1991, may be modified based upon changes in the child support schedule established in chapter 26.19 RCW without a substantial change of circumstances. The petition may be filed based on changes in the child support schedule after twelve months has expired from the entry of the administrative order or the most recent modification order setting child support, whichever is later. However, if a party is granted relief under this provision, twenty-four months must pass before another petition for modification may be filed pursuant to subsection (4) of this section.

(b) If, pursuant to subsection (4) of this section or (a) of this subsection, the order modifies a child support obligation by more than thirty percent and the change would cause significant hardship, the change may be implemented in two equal increments, one at the time of the entry of the order and the second six months from the entry of the order. Twenty-four months must pass following the second change before a petition for modification under subsection (4) of this section may be filed.

(6) An increase in the wage or salary of the parent or custodian who is receiving the support transfer payments (~~as defined in section 24 of this act~~) is not a substantial change in circumstances for purposes of modification under subsection (1)(b) of this section. An obligor's voluntary unemployment or voluntary underemployment, by itself, is not a substantial change of circumstances.

(7) The department shall file the petition and a supporting affidavit with the secretary or the secretary's designee when the department petitions for modification.

(8) The responsible parent or the physical custodian shall follow the procedures in this chapter for filing an application for an adjudicative proceeding to petition for modification.

(9) Upon the filing of a proper petition or application, the secretary or the secretary's designee shall issue an order directing each party to appear and show cause why the order should not be modified.

(10) If the presiding or reviewing officer finds a modification is appropriate, the officer shall modify the order and set current and future support under chapter 26.19 RCW.

NEW SECTION. Sec. 10. This act takes effect October 1, 2009."

Senator Hargrove spoke in favor of adoption of the striking amendment.

MOTION

On motion of Senator Marr, Senator Tom was excused.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senator Hargrove and Carrell to Substitute House Bill No. 1845.

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

MOTION

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

On page 1, line 1 of the title, after "obligations;" strike the remainder of the title and insert "amending RCW 26.09.105, 26.18.170, 26.18.180, 26.23.050, 26.23.110, 74.20A.300, 74.20A.055, 74.20A.056, and 74.20A.059; and providing an effective date."

MOTION

On motion of Senator Hargrove, the rules were suspended, Substitute House Bill No. 1845 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1845 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1845 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Fairley and Jarrett

SUBSTITUTE HOUSE BILL NO. 1845 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:27 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:50 a.m. by President Owen.

MOTION

At 11:50 a.m., on motion of Senator Eide, the Senate was declared to be recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by President Owen.

MOTION

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

SECOND READING

ONE HUNDRED SECOND DAY, APRIL 23, 2009
 CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

2009 REGULAR SESSION

MOTION

Senator Kohl-Welles moved that Gubernatorial Appointment No. 9076, Thomas W. Malone, as a member of the Board of Trustees, Seattle, South Seattle and North Seattle Community Colleges District No. 6, be confirmed.

Senator Kohl-Welles spoke in favor of the motion.

MOTION

On motion of Senator Marr, Senators Brown, Fairley, Fraser, Haugen, Prentice and Tom were excused.

MOTION

On motion of Senator Brandland, Senator Roach was excused.

APPOINTMENT OF THOMAS W. MALONE

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9076, Thomas W. Malone as a member of the Board of Trustees, Seattle, South Seattle and North Seattle Community Colleges District No. 6.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9076, Thomas W. Malone as a member of the Board of Trustees, Seattle, South Seattle and North Seattle Community Colleges District No. 6 and the appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 5; Excused, 4.

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

Absent: Senators Jacobsen, Kauffman, Kline, Oemig and Rockefeller

Excused: Senators Brown, Fairley, Fraser and Tom

Gubernatorial Appointment No. 9076, Thomas W. Malone, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Seattle, South Seattle and North Seattle Community Colleges District No. 6.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Kohl-Welles moved that Gubernatorial Appointment No. 9096, Constance W. Rice, as a member of the Board of Trustees, Seattle, South Seattle and North Seattle Community Colleges District No. 6, be confirmed.

Senator Kohl-Welles spoke in favor of the motion.

MOTION

On motion of Senator Marr, Senators Jacobsen, Kauffman, Kline and Oemig were excused.

MOTION

On motion of Senator Delvin, Senator Hewitt was excused.

APPOINTMENT OF CONSTANCE W. RICE

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9096, Constance W. Rice as a member of the Board of Trustees, Seattle, South Seattle and North Seattle Community Colleges District No. 6.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9096, Constance W. Rice as a member of the Board of Trustees, Seattle, South Seattle and North Seattle Community Colleges District No. 6 and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

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

Excused: Senators Brown, Fairley, Fraser, Jacobsen and Kline

Gubernatorial Appointment No. 9096, Constance W. Rice, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Seattle, South Seattle and North Seattle Community Colleges District No. 6.

MOTION

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

MESSAGE FROM THE HOUSE

April 20, 2009

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1018 and asks Senate to recede therefrom. and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator McDermott moved that the Senate recede from its position on the Senate amendments to Engrossed Substitute House Bill No. 1018.

The President Pro Tempore declared the question before the Senate to be motion by Senator McDermott that the Senate recede from its position on the Senate amendments to Engrossed Substitute House Bill No. 1018.

The motion by Senator McDermott carried and the Senate receded from its amendments to Engrossed Substitute House Bill No. 1018 by voice vote.

MOTION

ONE HUNDRED SECOND DAY, APRIL 23, 2009

On motion of Senator McDermott, the rules were suspended and Engrossed Substitute House Bill No. 1018 was returned to second reading for the purposes of amendment.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1018, by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Appleton, Herrera, Chandler, Armstrong, Haigh, Newhouse, Hinkle, Green, Sells, Orcutt, Ross, Bailey, Short, Kretz and Condotta)

Modifying when a special election may be held.

The measure was read the second time.

MOTION

Senator McDermott moved that the following striking amendment by Senators McDermott and Parlette be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 29A.04.321 and 2006 c 344 s 2 are each amended to read as follows:

(1) All state, county, city, town, and district general elections for the election of federal, state, legislative, judicial, county, city, town, and district officers, and for the submission to the voters of the state, county, city, town, or district of any measure for their adoption and approval or rejection, shall be held on the first Tuesday after the first Monday of November, in the year in which they may be called. A statewide general election shall be held on the first Tuesday after the first Monday of November of each year. However, the statewide general election held in odd-numbered years shall be limited to (a) city, town, and district general elections as provided for in RCW 29A.04.330, or as otherwise provided by law; (b) the election of federal officers for the remainder of any unexpired terms in the membership of either branch of the Congress of the United States; (c) the election of state and county officers for the remainder of any unexpired terms of offices created by or whose duties are described in Article II, section 15, Article III, sections 16, 17, 19, 20, 21, 22, and 23, and Article IV, sections 3 and 5 of the state Constitution and RCW 2.06.080; (d) the election of county officers in any county governed by a charter containing provisions calling for general county elections at this time; and (e) the approval or rejection of state measures, including proposed constitutional amendments, matters pertaining to any proposed constitutional convention, initiative measures and referendum measures proposed by the electorate, referendum bills, and any other matter provided by the legislature for submission to the electorate.

(2) A county legislative authority may call a special county election by presenting a resolution to the county auditor prior to the proposed election date. ~~((Except as provided in subsection (4) of this section,))~~ A special election called by the county legislative authority shall be held on one of the following dates as decided by such governing body:

(a) The ~~((first))~~ second Tuesday ~~((after the first Monday))~~ in February;

(b) ~~((The second Tuesday in March;~~

~~—(c))~~ The fourth Tuesday in April;

~~((d))~~ (c) The third Tuesday in May for tax levies that failed previously in that calendar year and new bond issues;

~~((e))~~ (d) The day of the primary as specified by RCW 29A.04.311; or

~~((f))~~ (e) The first Tuesday after the first Monday in November.

(3) A resolution calling for a special election on a date set forth in subsection (2)(a) through ~~((d))~~ (c) of this section must be presented to the county auditor at least ~~((fifty-two))~~ forty-five

2009 REGULAR SESSION

days prior to the election date. A resolution calling for a special election on a date set forth in subsection (2)~~((e))~~ (d) or ~~((f))~~ (e) of this section must be presented to the county auditor at least eighty-four days prior to the election date.

(4) In addition to the dates set forth in subsection (2)(a) through ~~((f))~~ (e) of this section, a special election to validate an excess levy or bond issue may be called at any time to meet the needs resulting from fire, flood, earthquake, or other act of God. Such county special election shall be noticed and conducted in the manner provided by law.

~~(5) ((In a presidential election year, if a presidential preference primary is conducted in February, March, April, or May under chapter 29A.56 RCW, the date on which a special election may be called by the county legislative authority under subsection (2) of this section during the month of that primary is the date of the presidential primary.~~

~~(6))~~ This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for such city, town, and district elections, the purpose of this section being to establish mandatory dates for holding elections except for those elections held pursuant to a home-rule charter adopted under Article XI, section 4 of the state Constitution. This section shall not be construed as fixing the time for holding primary elections, or elections for the recall of any elective public officer.

Sec. 2. RCW 29A.04.321 and 2006 c 344 s 2 are each amended to read as follows:

(1) All state, county, city, town, and district general elections for the election of federal, state, legislative, judicial, county, city, town, and district officers, and for the submission to the voters of the state, county, city, town, or district of any measure for their adoption and approval or rejection, shall be held on the first Tuesday after the first Monday of November, in the year in which they may be called. A statewide general election shall be held on the first Tuesday after the first Monday of November of each year. However, the statewide general election held in odd-numbered years shall be limited to (a) city, town, and district general elections as provided for in RCW 29A.04.330, or as otherwise provided by law; (b) the election of federal officers for the remainder of any unexpired terms in the membership of either branch of the Congress of the United States; (c) the election of state and county officers for the remainder of any unexpired terms of offices created by or whose duties are described in Article II, section 15, Article III, sections 16, 17, 19, 20, 21, 22, and 23, and Article IV, sections 3 and 5 of the state Constitution and RCW 2.06.080; (d) the election of county officers in any county governed by a charter containing provisions calling for general county elections at this time; and (e) the approval or rejection of state measures, including proposed constitutional amendments, matters pertaining to any proposed constitutional convention, initiative measures and referendum measures proposed by the electorate, referendum bills, and any other matter provided by the legislature for submission to the electorate.

(2) A county legislative authority may call a special county election by presenting a resolution to the county auditor prior to the proposed election date. ~~((Except as provided in subsection (4) of this section,))~~ A special election called by the county legislative authority shall be held on one of the following dates as decided by such governing body:

(a) The ~~((first))~~ second Tuesday ~~((after the first Monday))~~ in February;

(b) ~~((The second Tuesday in March;~~

~~—(c))~~ The fourth Tuesday in April;

~~((d))~~ (c) The third Tuesday in May;

~~—(e))~~ (c) The day of the primary as specified by RCW 29A.04.311; or

~~((f))~~ (d) The first Tuesday after the first Monday in November.

(3) A resolution calling for a special election on a date set forth in subsection (2)(a) ~~((through (d)))~~ and (b) of this section

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

must be presented to the county auditor at least ~~((fifty-two))~~ forty-five days prior to the election date. A resolution calling for a special election on a date set forth in subsection 2)~~((f))~~ (c) or ~~((f))~~ (d) of this section must be presented to the county auditor at least eighty-four days prior to the election date.

(4) In addition to the dates set forth in subsection 2)(a) through ~~((f))~~ (d) of this section, a special election to validate an excess levy or bond issue may be called at any time to meet the needs resulting from fire, flood, earthquake, or other act of God. Such county special election shall be noticed and conducted in the manner provided by law.

~~(5) ((In a presidential election year, if a presidential preference primary is conducted in February, March, April, or May under chapter 29A.56 RCW, the date on which a special election may be called by the county legislative authority under subsection (2) of this section during the month of that primary is the date of the presidential primary.~~

~~—(6))~~ This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for such city, town, and district elections, the purpose of this section being to establish mandatory dates for holding elections except for those elections held pursuant to a home-rule charter adopted under Article XI, section 4 of the state Constitution. This section shall not be construed as fixing the time for holding primary elections, or elections for the recall of any elective public officer.

Sec. 3. RCW 29A.04.330 and 2006 c 344 s 3 are each amended to read as follows:

(1) All city, town, and district general elections shall be held throughout the state of Washington on the first Tuesday following the first Monday in November in the odd-numbered years.

This section shall not apply to:

(a) Elections for the recall of any elective public officer;
 (b) Public utility districts, conservation districts, or district elections at which the ownership of property within those districts is a prerequisite to voting, all of which elections shall be held at the times prescribed in the laws specifically applicable thereto;

(c) Consolidation proposals as provided for in RCW 28A.315.235 and nonhigh capital fund aid proposals as provided for in chapter 28A.540 RCW.

(2) The county auditor, as ex officio supervisor of elections, upon request in the form of a resolution of the governing body of a city, town, or district, presented to the auditor prior to the proposed election date, may call a special election in such city, town, or district, and for the purpose of such special election he or she may combine, unite, or divide precincts. ~~((Except as provided in subsection (3) of this section.))~~ Such a special election shall be held on one of the following dates as decided by the governing body:

(a) The ~~((first))~~ second Tuesday ~~((after the first Monday))~~ in February;

(b) ~~((The second Tuesday in March;~~

~~—(c))~~ The fourth Tuesday in April;
~~((f))~~ (c) The third Tuesday in May for tax levies that failed previously in that calendar year and new bond issues;

~~((f))~~ (d) The day of the primary election as specified by RCW 29A.04.311; or

~~((f))~~ (e) The first Tuesday after the first Monday in November.

(3) A resolution calling for a special election on a date set forth in subsection 2)(a) through ~~((f))~~ (c) of this section must be presented to the county auditor at least ~~((fifty-two))~~ forty-five days prior to the election date. A resolution calling for a special election on a date set forth in subsection 2)~~((f))~~ (d) or ~~((f))~~ (e) of this section must be presented to the county auditor at least eighty-four days prior to the election date.

~~(4) ((In a presidential election year, if a presidential preference primary is conducted in February, March, April, or May under chapter 29A.56 RCW, the date on which a special~~

~~election may be called under subsection (2) of this section during the month of that primary is the date of the presidential primary.~~

~~—(5))~~ In addition to subsection 2)(a) through ~~((f))~~ (e) of this section, a special election to validate an excess levy or bond issue may be called at any time to meet the needs resulting from fire, flood, earthquake, or other act of God, except that no special election may be held between the first day for candidates to file for public office and the last day to certify the returns of the general election other than as provided in subsection 2)~~((f))~~ (d) and ~~((f))~~ (e) of this section. Such special election shall be conducted and notice thereof given in the manner provided by law.

~~((6))~~ (5) This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for such city, town, and district elections, the purpose of this section being to establish mandatory dates for holding elections.

Sec. 4. RCW 29A.04.330 and 2006 c 344 s 3 are each amended to read as follows:

(1) All city, town, and district general elections shall be held throughout the state of Washington on the first Tuesday following the first Monday in November in the odd-numbered years.

This section shall not apply to:

(a) Elections for the recall of any elective public officer;
 (b) Public utility districts, conservation districts, or district elections at which the ownership of property within those districts is a prerequisite to voting, all of which elections shall be held at the times prescribed in the laws specifically applicable thereto;

(c) Consolidation proposals as provided for in RCW 28A.315.235 and nonhigh capital fund aid proposals as provided for in chapter 28A.540 RCW.

(2) The county auditor, as ex officio supervisor of elections, upon request in the form of a resolution of the governing body of a city, town, or district, presented to the auditor prior to the proposed election date, may call a special election in such city, town, or district, and for the purpose of such special election he or she may combine, unite, or divide precincts. ~~((Except as provided in subsection (3) of this section.))~~ Such a special election shall be held on one of the following dates as decided by the governing body:

(a) The ~~((first))~~ second Tuesday ~~((after the first Monday))~~ in February;

(b) ~~((The second Tuesday in March;~~

~~—(c))~~ The fourth Tuesday in April;
~~((d))~~ (c) The third Tuesday in May;

~~—(e))~~ (c) The day of the primary election as specified by RCW 29A.04.311; or

~~((f))~~ (d) The first Tuesday after the first Monday in November.

(3) A resolution calling for a special election on a date set forth in subsection 2)(a) ~~((through (d)))~~ and (b) of this section must be presented to the county auditor at least ~~((fifty-two))~~ forty-five days prior to the election date. A resolution calling for a special election on a date set forth in subsection 2)~~((f))~~ (c) or ~~((f))~~ (d) of this section must be presented to the county auditor at least eighty-four days prior to the election date.

~~(4) ((In a presidential election year, if a presidential preference primary is conducted in February, March, April, or May under chapter 29A.56 RCW, the date on which a special election may be called under subsection (2) of this section during the month of that primary is the date of the presidential primary.~~

~~—(5))~~ In addition to subsection 2)(a) through ~~((f))~~ (d) of this section, a special election to validate an excess levy or bond issue may be called at any time to meet the needs resulting from fire, flood, earthquake, or other act of God, except that no special election may be held between the first day for candidates to file for public office and the last day to certify the returns of

ONE HUNDRED SECOND DAY, APRIL 23, 2009

the general election other than as provided in subsection (2)((~~(c)~~)) (c) and ((~~(d)~~)) (d) of this section. Such special election shall be conducted and notice thereof given in the manner provided by law.

((~~(6)~~)) (5) This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for such city, town, and district elections, the purpose of this section being to establish mandatory dates for holding elections.

NEW SECTION. Sec. 5. Sections 1 and 3 of this act expire July 1, 2011.

NEW SECTION. Sec. 6. Sections 2 and 4 of this act take effect July 1, 2011."

Senator McDermott spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators McDermott and Parlette to Engrossed Substitute House Bill No. 1018.

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

MOTION

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

On page 1, line 2 of the title, after "held;" strike the remainder of the title and insert "amending RCW 29A.04.321, 29A.04.321, 29A.04.330, and 29A.04.330; providing an effective date; and providing an expiration date."

MOTION

On motion of Senator McDermott, the rules were suspended, Engrossed Substitute House Bill No. 1018 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McDermott and Parlette spoke in favor of passage of the bill.

Senator Roach spoke against passage of the bill.

MOTION

On motion of Senator Marr, Senator Kauffman was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1018 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1018 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 37; Nays, 9; Absent, 0; Excused, 3.

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

Voting nay: Senators Carrell, Eide, Holmquist, Kilmer, Marr, McCaslin, Pridemore, Roach and Stevens

Excused: Senators Brown, Fairley and Kauffman

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1018 as amended by the Senate, having received the constitutional

2009 REGULAR SESSION

majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator McCaslin, Senator Morton was excused.

SECOND READING

HOUSE BILL NO. 2359, by Representative Cody

Concerning delaying the implementation date for peer mentoring for long-term care workers.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 2359 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2359.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2359 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

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

Absent: Senator Hargrove

HOUSE BILL NO. 2359, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6122, by Senators Prentice, Zarelli and Brandland

Reducing costs of the elections division of the office of the secretary of state.

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 6122 was substituted for Senate Bill No. 6122 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 6122 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6122.

ROLL CALL

MOTION

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6122 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

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

Voting nay: Senators Hewitt, Holmquist, Honeyford, Schoesler and Stevens

SUBSTITUTE SENATE BILL NO. 6122, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Keiser, Substitute Senate Bill No. 6158 was not substituted for Senate Bill No. 6158 and the substitute bill was not adopted.

SECOND READING

SENATE BILL NO. 6158, by Senators Keiser, Brown, Prentice and Tom

Delaying the implementation of the family leave insurance program.

The measure was read the second time.

MOTION

Senator Zarelli moved that the following amendment by Senator Zarelli and others be adopted.

On page 1, line 13, after "hours", strike "~~((in employment))~~" and insert "in employment"

On page 2, after line 10, strike all of section 2.

Renumber the sections consecutively and correct any internal references accordingly.

Senators Zarelli and Keiser spoke in favor of adoption of the amendment.

POINT OF INQUIRY

Senator Keiser: "Would Senator Zarelli yield to a question? Senator, because there are so many signatures on your amendment I can't read but I think we might have similar language in a further amendment. On page 1, line 13 after hours does that say, strike unemployment and insert in employment? Because it does appear to be identical with my amendment following on, so, I just want to clarify that we're on the same page, literally. Thank you."

Senator Zarelli: "I believe so, yes. Yes."

The President declared the question before the Senate to be the adoption of the amendment by Senator Zarelli and others on page 1, line 13 to Senate Bill No. 6158.

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

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

On page 1, line 2 of the title, after "49.86.030", strike "49.86.190"

MOTION

Senator Keiser moved that the following amendment by Senator Keiser be adopted.

On page 1, line 13, after "hours" strike "~~((in employment))~~" and insert "in employment"

WITHDRAWAL OF AMENDMENT

On motion of Senator Keiser, the amendment by Senator Keiser on page 1, line 13 to Senate Bill No. 6158 was withdrawn.

MOTION

Senator Holmquist moved that the following striking amendment by Senator Holmquist and others be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 43.79A.040 and 2008 c 239 s 9, 2008 c 208 s 9, 2008 c 128 s 20, and 2008 c 122 s 24 are each reenacted and 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.

(2) All income received from investment of the treasurer's trust fund shall 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 shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall 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 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 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

ONE HUNDRED SECOND DAY, APRIL 23, 2009

alternative account, the GET ready for math and science scholarship account, the grain inspection revolving 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 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. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall 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 city and county advance right-of-way revolving fund, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(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.

Sec. 2. RCW 51.44.033 and 2007 c 357 s 23 are each amended to read as follows:

There shall be, in the office of the state treasurer, a fund to be known and designated as the "supplemental pension fund". The director shall be the administrator thereof. The fund shall be used for the sole purposes of making the additional payments therefrom prescribed in this title (~~and the loans therefrom authorized in RCW 49.86.190~~).

NEW SECTION. Sec. 3. The following acts or parts of acts are each repealed:

- (1) RCW 49.86.005 (Findings) and 2007 c 357 s 1;
- (2) RCW 49.86.010 (Definitions) and 2007 c 357 s 3;
- (3) RCW 49.86.020 (Family leave insurance program) and 2007 c 357 s 4;
- (4) RCW 49.86.030 (Eligibility for benefits) and 2007 c 357 s 5;
- (5) RCW 49.86.040 (Disqualification from benefits) and 2007 c 357 s 6;
- (6) RCW 49.86.050 (Duration of benefits--Payment of benefits) and 2007 c 357 s 7;
- (7) RCW 49.86.060 (Amount of benefits) and 2007 c 357 s 8;
- (8) RCW 49.86.070 (Federal income tax) and 2007 c 357 s 9;
- (9) RCW 49.86.080 (Erroneous payments--Payments induced by willful misrepresentation--Claim rejected after payments) and 2007 c 357 s 10;
- (10) RCW 49.86.090 (Leave and employment protection) and 2007 c 357 s 11;

2009 REGULAR SESSION

(11) RCW 49.86.100 (Employment by same employer) and 2007 c 357 s 12;

(12) RCW 49.86.110 (Elective coverage) and 2007 c 357 s 13;

(13) RCW 49.86.120 (Appeals) and 2007 c 357 s 14;

(14) RCW 49.86.130 (Prohibited acts--Discrimination--Enforcement) and 2007 c 357 s 15;

(15) RCW 49.86.140 (Coordination of leave) and 2007 c 357 s 16;

(16) RCW 49.86.150 (Continuing entitlement or contractual rights-- Not created) and 2007 c 357 s 17;

(17) RCW 49.86.160 (Rules) and 2007 c 357 s 18;

(18) RCW 49.86.170 (Family leave insurance account) and 2007 c 357 s 19;

(19) RCW 49.86.180 (Family leave insurance account funds-- Investment) and 2007 c 357 s 20;

(20) RCW 49.86.190 (Initial program administration--Loans) and 2007 c 357 s 22;

(21) RCW 49.86.200 (Authority to contract) and 2007 c 357 s 24;

(22) RCW 49.86.210 (Reports) and 2007 c 357 s 26;

(23) RCW 49.86.900 (Severability--2007 c 357) and 2007 c 357 s 27;

(24) RCW 49.86.901 (Captions not law--2007 c 357) and 2007 c 357 s 28; and

(25) RCW 49.86.902 (Effective dates--2007 c 357) and 2007 c 357 s 30.

NEW SECTION. Sec. 4. The code reviser shall alphabetize the accounts and funds in RCW 43.79A.040(4)(b).

NEW SECTION. Sec. 5. This act takes effect August 1, 2009.

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "repealing the 2007 family and medical leave insurance act; amending RCW 51.44.033; reenacting and amending RCW 43.79A.040; creating a new section; repealing RCW 49.86.005, 49.86.010, 49.86.020, 49.86.030, 49.86.040, 49.86.050, 49.86.060, 49.86.070, 49.86.080, 49.86.090, 49.86.100, 49.86.110, 49.86.120, 49.86.130, 49.86.140, 49.86.150, 49.86.160, 49.86.170, 49.86.180, 49.86.190, 49.86.200, 49.86.210, 49.86.900, 49.86.901, and 49.86.902; and providing an effective date."

Senator Holmquist spoke in favor of adoption of the striking amendment.

POINT OF ORDER

Senator Keiser: "Mr. President, I believe that the amendment before the body is beyond the scope and object of the underlying bill. Senate Bill No. 6158 is a simple bill with a single object to delay implementation of the family leave benefit program until 2012. The proposed amendment takes the program in entirely different direction. It eliminates the family leave benefit program by repealing all the statutes that support it. This is inconsistent with the purpose of the underlying bill. Instead of recognizing the temporarily difficulties facing the state and delaying implementation of the program this amendment would end it. That is beyond the purpose of the bill and outside its scope and object."

MOTION

On motion of Senator Eide, further consideration of Senate Bill No. 6158 was deferred and the bill held its place on the second reading calendar.

SECOND READING

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

SENATE BILL NO. 6165, by Senators Ranker, Rockefeller, Tom and Jarrett

Allowing greater use of short boards for appeals before the shorelines hearings board.

The measure was read the second time.

MOTION

On motion of Senator Ranker, the rules were suspended, Senate Bill No. 6165 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Ranker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6165.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6165 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 6165, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Holmquist moved that Gubernatorial Appointment No. 9157, Annette Sandberg, as a member of the Board of Trustees, Central Washington University, be confirmed.

Senators Holmquist and Benton spoke in favor of passage of the motion.

MOTION

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

MOTION

On motion of Senator Holmquist, Senator Brandland was excused.

APPOINTMENT OF ANNETTE SANDBERG

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9157, Annette Sandberg as a member of the Board of Trustees, Central Washington University.

The Secretary called the roll on the confirmation of

Gubernatorial Appointment No. 9157, Annette Sandberg as a member of the Board of Trustees, Central Washington University and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Brown and Prentice

Gubernatorial Appointment No. 9157, Annette Sandberg, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Central Washington University.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1290, by House Committee on Finance (originally sponsored by Representatives Maxwell, Rodne, Kenney, Green, Clibborn, Lias, Anderson and Hunter)

Concerning local tourism promotion areas.

The measure was read the second time.

MOTION

On motion of Senator Jarrett, the rules were suspended, Second Substitute House Bill No. 1290 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Jarrett spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1290.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1290 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 12; Absent, 1; Excused, 0.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Delvin, Eide, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Benton, Carrell, Fairley, Holmquist, Honeyford, McCaslin, Morton, Murray, Oemig, Roach, Rockefeller and Stevens

Absent: Senator Franklin

SECOND SUBSTITUTE HOUSE BILL NO. 1290, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Kilmer, Senator Franklin was excused.

SECOND READING

ONE HUNDRED SECOND DAY, APRIL 23, 2009

ENGROSSED HOUSE BILL NO. 1616, by Representative Simpson

Addressing the state pension benefits of certain domestic partners.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Engrossed House Bill No. 1616 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

Senator Parlette spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1616.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1616 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 19; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brandland, Brown, Eide, Fairley, Fraser, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller and Tom

Voting nay: Senators Becker, Benton, Carrell, Delvin, Hargrove, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Excused: Senator Franklin

ENGROSSED HOUSE BILL NO. 1616, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5073, by Senators Zarelli, Swecker, Benton and Parlette

Improving budget transparency by consolidating accounts into the state general fund.

MOTION

On motion of Senator Zarelli, Substitute Senate Bill No. 5073 was substituted for Senate Bill No. 5073 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Parlette moved that the following amendment by Senator Parlette and others be adopted.

On page 4, line 29, strike "~~under RCW 43.08.250(2))~~" and insert ")") under RCW 43.08.250(2)"

On page 40, line 6, after "fund" and before the period, insert ". It is the intent of the legislature that fifty percent of such money be appropriated to the administrator for the courts for the purposes of contributing to district court judges' salaries and to eligible elected municipal court judges' salaries. It is further the intent of the legislature that the balance of such monies be used

2009 REGULAR SESSION

to fund criminal indigent defense assistance and enhancement at the trial court level, representation of parents in dependency and termination proceedings, and civil legal representation of indigent persons"

Senator Parlette spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Parlette and others on page 4, line 29 to Substitute Senate Bill No. 5073.

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

MOTION

On motion of Senator Zarelli, the rules were suspended, Engrossed Substitute Senate Bill No. 5073 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Zarelli and Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5073.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5073 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

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

Absent: Senator Brown

Excused: Senator Franklin

ENGROSSED SUBSTITUTE SENATE BILL NO. 5073, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6171, by Senator Prentice

Concerning savings in programs under the supervision of the department of health.

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 6171 was substituted for Senate Bill No. 6171 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 6171 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice and Zarelli spoke in favor of passage of the bill.

MOTION

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

On motion of Senator McDermott, Senator Brown was excused.

MOTION

On motion of Senator Hatfield, Senator McAuliffe was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6171.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6171 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Brown

SUBSTITUTE SENATE BILL NO. 6171, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Morton, Senator McCaslin was excused.

MOTION

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

MESSAGE FROM THE HOUSE

April 18, 2009

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to HOUSE BILL NO. 1212 and asks Senate to recede therefrom. and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kohl-Welles moved that the Senate insist on its position in the Senate amendment(s) to House Bill No. 1212 and requests of the House a conference thereon.

The President declared the question before the Senate to be motion by Senator Kohl-Welles that the Senate insist on its position in the Senate amendment(s) to House Bill No. 1212 and request of the House a conference thereon.

The motion by Senator Kohl-Welles carried and the Senate insisted on its position in the Senate amendment(s) to House Bill No. 1212 and requested of the House a conference thereon by voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on House Bill No. 1212 and the Senate amendment(s) thereto: Senators Senators Keiser, Kohl-Welles and Holmquist.

MOTION

On motion of Senator Eide, the appointments to the conference committee were confirmed.

MOTION

At 3:14 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 6:33 p.m. by President Owen.

MOTION

on motion of Senator Eide, the rules were suspended and the Rules Committee was relieved of further consideration of Engrossed Substitute House Bill No. 2211 and the bill was placed on the day's second reading calendar.

The President declared the question before the Senate to be the motion by Senator Eide.

The motion by Senator Eide carried by a voice vote.

MESSAGE FROM THE HOUSE

April 23, 2009

MR. PRESIDENT:

The House receded from its amendment to SUBSTITUTE SENATE BILL NO. 5684 and passed the bill without the House amendment. and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 23, 2009

MR. PRESIDENT:

The House concurred in Senate amendment to the following bills and passed the bills as amended by the Senate: SUBSTITUTE HOUSE BILL NO. 1555, ENGROSSED HOUSE BILL NO. 2299, and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 23, 2009

MR. PRESIDENT:

The House has passed the following bills: SENATE BILL NO. 5470, ENGROSSED SUBSTITUTE SENATE BILL NO. 6169, and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 23, 2009

MR. PRESIDENT:

The House concurred in Senate amendment to the following bills and passed the bills as amended by the Senate:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2327,
HOUSE BILL NO. 2328,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Stevens as to the scope and object of the House Amendment to Substitute Senate Bill 5510, the President finds and rules as follows:

Substitute Senate Bill No. 5510 as it passed the Senate is a simple bill that adds two items to the notice that DSHS is required to send to parents at the shelter care stage of a dependency case. The House Amendment adds many substantive and significant requirements to the actual dependency process.

The President finds that the House amendment goes well beyond the scope and object of the very simple notice requirements of SSB 5510.

For this reason, the President finds that Senator Steven's point is well-taken. The House amendment is not properly before the body for consideration."

MOTION

Senator Hargrove moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5510 and ask the House to recede therefrom.

The President declared the question before the Senate to be motion by Senator Hargrove that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5510 and ask the House to recede therefrom.

The motion by Senator Hargrove carried and the Senate refused to concur in the House amendment(s) to Substitute Senate Bill No. 5510 and asked the House to recede therefrom by voice vote.

MOTION

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1751, by House Committee on Finance (originally sponsored by Representatives Kessler, Van De Wege, Takko, Kenney, Finn, Haigh and Blake)

Concerning the time period during which sales and use tax for public facilities in rural counties may be collected.

The measure was read the second time.

MOTION

Senator Schoesler moved that the following committee striking amendment by the Committee on Agriculture & Rural Economic Development be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.14.370 and 2007 c 478 s 1 and 2007 c 250 s 1 are each reenacted and amended to read as follows:

(1) The legislative authority of a rural county 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 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 county. The rate of tax shall not exceed 0.09 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, except that for rural counties with population densities between sixty and one hundred persons per square mile, the rate shall not exceed 0.04 percent before January 1, 2000.

(2) The tax imposed under subsection (1) of this section shall 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 perform the collection of such taxes on behalf of the county at no cost to the county.

(3)(a) Moneys collected under this section shall only be used to finance public facilities serving economic development purposes in rural counties and finance personnel in economic development offices. The public facility must be listed as an item in the officially adopted county overall economic development plan, or the economic development section of the county's comprehensive plan, or the comprehensive plan of a city or town located within the county for those counties planning under RCW 36.70A.040. For those counties that do not have an adopted overall economic development plan and do not plan under the growth management act, the public facility must be listed in the county's capital facilities plan or the capital facilities plan of a city or town located within the county.

(b) In implementing this section, the county shall consult with cities, towns, and port districts located within the county and the associate development organization serving the county to ensure that the expenditure meets the goals of chapter 130, Laws of 2004 and the requirements of (a) of this subsection. Each county collecting money under this section shall report, as follows, to the office of the state auditor, within one hundred fifty days after the close of each fiscal year: (i) A list of new projects begun during the fiscal year, showing that the county has used the funds for those projects consistent with the goals of chapter 130, Laws of 2004 and the requirements of (a) of this subsection; and (ii) expenditures during the fiscal year on projects begun in a previous year. Any projects financed prior to June 10, 2004, from the proceeds of obligations to which the tax imposed under subsection (1) of this section has been pledged shall not be deemed to be new projects under this subsection. No new projects funded with money collected under this section may be for justice system facilities.

(c) The definitions in this section apply throughout this section.

(i) "Public facilities" means bridges, roads, domestic and industrial water facilities, sanitary sewer facilities, earth stabilization, storm sewer facilities, railroad, electricity, natural gas, buildings, structures, telecommunications infrastructure, transportation infrastructure, or commercial infrastructure, and port facilities in the state of Washington.

(ii) "Economic development purposes" means those

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

purposes which facilitate the creation or retention of businesses and jobs in a county.

(iii) "Economic development office" means an office of a county, port districts, or an associate development organization as defined in RCW 43.330.010, which promotes economic development purposes within the county.

(4) No tax may be collected under this section before July 1, 1998. (a) Except as provided in (b) of this subsection, no tax may be collected under this section by a county more than twenty-five years after the date that a tax is first imposed under this section.

(b) For counties imposing the tax at the rate of 0.09 percent before August 1, 2009, the tax expires on the date that is twenty-five years after the date that the 0.09 percent tax rate was first imposed by that county.

(5) For purposes of this section, "rural county" means a county with a population density of less than one hundred persons per square mile or a county smaller than two hundred twenty-five square miles as determined by the office of financial management and published each year by the department for the period July 1st to June 30th."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Agriculture & Rural Economic Development to Substitute House Bill No. 1751.

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

MOTION

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

On page 1, line 2 of the title, after "collected;" strike the remainder of the title and insert "and reenacting and amending RCW 82.14.370."

MOTION

On motion of Senator Schoesler, the rules were suspended, Substitute House Bill No. 1751 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Schoesler spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Fraser was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1751 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1751 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

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

Voting nay: Senators Benton, Fairley, Oemig and Tom

Excused: Senator Fraser

SUBSTITUTE HOUSE BILL NO. 1751 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2338, by House Committee on Ways & Means (originally sponsored by Representative Hunt)

Concerning the administration and operations of growth management hearings boards.

The measure was read the second time.

MOTION

Senator Tom moved that the following committee amendment by the Committee on Ways & Means be adopted.

On page 7, line 23, after "(6)" strike "additional methods of improving compliance with the growth management act that may reduce costs to all parties" and insert "the costs and benefits of complying with the growth management act, including full costs to local governments of defending appeals and their success rate"

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

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Ways & Means to Engrossed Substitute House Bill No. 2338.

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

MOTION

On motion of Senator Tom, the rules were suspended, Engrossed Substitute House Bill No. 2338 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Tom spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senator Hewitt was excused.

MOTION

On motion of Senator Marr, Senator Brown was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2338 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2338 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 42; Nays, 4; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama,

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Benton, McCaslin, Morton and Parlette

Excused: Senators Brown, Fraser and Hewitt

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2338 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REMARKS BY THE PRESIDENT

President Owen: "The President would like the attention of all members for one moment. He's had something brought to his attention by both sides that we want to, I want to address relative to decorum and rules of the senate that has to do with editorial comments on amendments. We have one and the President does not want to see any discourse out here that takes away from the work that you have to do with only a couple days left so, I'm bringing this up to you now in order, to hope, that we don't get into a discussion about the issue on the amendment but the amendment itself when it comes in the future and that we avoid having this happen again in the future. A comment was written on one of the amendments. We caught it later. That type of thing can create discourse within the body and frustrate the process and the completion of the job so the President is going to direct the Secretary that anytime that we see anything like that come in on an amendment in the future it will be taken off the amendment and will not be allowed to be presented before the body. Now, I don't want to appear that I'm attacking the person that did this because we have not had this discussion. We are having it now to avoid having an unfriendly discourse over this in the future. So, the Secretary will be instructed, in the future if editorial comments come onto an amendment, they will be taken off before the amendment is distributed. The President would appreciate it if we not get into a discourse over the one that you will see in the future. Thank you very much."

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2343, by House Committee on Ways & Means (originally sponsored by Representative Haigh)

Achieving savings in education programs.

The measure was read the second time.

MOTION

Senator Zarelli moved that the following amendment by Senator Zarelli be adopted.

On page 7, after "purpose," on line 13, strike all material through line 5 on page 8.

Senator Zarelli spoke in favor of adoption of the amendment.

Senators Tom and McAuliffe spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Zarelli on page 7, line 13 to Substitute House Bill No. 2343.

The motion by Senator Zarelli failed and the amendment was not adopted by voice vote.

MOTION

On motion of Senator Tom, the rules were suspended, Substitute House Bill No. 2343 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Tom spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senators Fraser and Prentice were excused.

Senator Zarelli spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2343.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2343 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin and Tom

Voting nay: Senators Becker, Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Murray, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Excused: Senator Fraser

SUBSTITUTE HOUSE BILL NO. 2343, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 5107,
SUBSTITUTE SENATE BILL NO. 5252,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5746,
ENGROSSED SECOND SUBSTITUTE SENATE BILL
NO. 5850,
SECOND SUBSTITUTE SENATE BILL NO. 5973,
ENGROSSED SENATE BILL NO. 6033,
SUBSTITUTE SENATE CONCURRENT RESOLUTION
NO. 8404,

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5166,
SUBSTITUTE SENATE BILL NO. 5391,
ENGROSSED SECOND SUBSTITUTE SENATE BILL
NO. 5560,
ENGROSSED SECOND SUBSTITUTE SENATE BILL
NO. 5649,
SUBSTITUTE SENATE BILL NO. 5718,
SUBSTITUTE SENATE BILL NO. 5723,
SUBSTITUTE SENATE BILL NO. 5725,
SUBSTITUTE SENATE BILL NO. 5732,
SUBSTITUTE SENATE BILL NO. 5931,
SECOND SUBSTITUTE SENATE BILL NO. 5945,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5967,

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

SENATE BILL NO. 5974,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5978,
SUBSTITUTE SENATE BILL NO. 6009,
ENGROSSED SECOND SUBSTITUTE SENATE BILL
NO. 6015,
SUBSTITUTE SENATE BILL NO. 6016,
SUBSTITUTE SENATE BILL NO. 6036,
SENATE BILL NO. 6070,
SUBSTITUTE SENATE BILL NO. 6088,
SUBSTITUTE SENATE BILL NO. 6095,
SENATE BILL NO. 6104,

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2349 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 11; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Sheldon, Shin, Tom and Zarelli

Voting nay: Senators Becker, Carrell, Hewitt, Holmquist, Honeyford, Parlette, Pflug, Roach, Schoesler, Stevens and Swecker

Excused: Senator Fraser

HOUSE BILL NO. 2349, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2347, by Representative Kagi

Concerning the review of support payments.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 2347 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2347.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2347 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Fraser

HOUSE BILL NO. 2347, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2349, by Representative Cody

Concerning disproportionate share hospital adjustments.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, House Bill No. 2349 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

Senator Pflug spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2349.

MOTION

On motion of Senator Pridemore, Substitute Senate Bill No. 5995 was not substituted for Senate Bill No. 5995 and the substitute bill was not adopted.

SECOND READING

SENATE BILL NO. 5995, by Senators Pridemore, Schoesler and Honeyford

Eliminating certain boards, committees, and commissions and the transfer of certain duties effective June 30, 2009.

The measure was read the second time.

MOTION

Senator Pridemore moved that the following striking amendment by Senator Pridemore be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. One of the key roles of advisory boards, committees, and commissions is to provide input, advice and recommendations from stakeholders, other interested parties, and the public to state agencies. These advisory boards, committees, and commissions may be abolished without detriment to the mission of the agency each supports. Most of the advisory functions of these boards, committees, and commissions can be performed without the administrative costs of maintaining formal organizations. In the interest of building a leaner, more efficient, and more responsible government, this vital communications conduit must be maintained for the benefit of the state and its citizens, through the use of modern communication technology. It is the intent of this legislation that while advisory boards, committees, and commissions be eliminated, agencies should identify new, less costly, and more effective opportunities to ensure a broad range of citizen participation is provided and that all reasonable efforts are made to ensure that channels are maintained for vital input from the citizens of Washington.

Acupuncture Ad Hoc Committee

Sec. 2. RCW 18.06.080 and 1995 c 323 s 7 are each amended to read as follows:

(1) The secretary is hereby authorized and empowered to execute the provisions of this chapter and shall offer examinations in acupuncture at least twice a year at such times

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

and places as the secretary may select. The examination shall be a written examination and may include a practical examination.

(2) The secretary shall develop or approve a licensure examination in the subjects that the secretary determines are within the scope of and commensurate with the work performed by licensed acupuncturists and shall include but not necessarily be limited to anatomy, physiology, microbiology, biochemistry, pathology, hygiene, and acupuncture. All application papers shall be deposited with the secretary and there retained for at least one year, when they may be destroyed.

(3) If the examination is successfully passed, the secretary shall confer on such candidate the title of Licensed Acupuncturist.

~~(4) (The secretary may appoint members of the profession to serve in an ad hoc advisory capacity to the secretary in carrying out this chapter. The members will serve for designated times and provide advice on matters specifically identified and requested by the secretary. The members shall be compensated in accordance with RCW 43.03.220 and reimbursed for travel expenses under RCW 43.03.040 and 43.03.060.~~

~~(5))~~ The secretary, ad hoc committee members, or individuals acting in their behalf are immune from suit in a civil action based on any certification or disciplinary proceedings or other official acts performed in the course of their duties.

Displaced Homemaker Program Statewide Advisory Committee

NEW SECTION. **Sec. 3.** RCW 28B.04.085 (Displaced homemaker program advisory committee) and 2004 c 275 s 32 & 1987 c 230 s 2 are each repealed.

Adult Family Home Advisory Committee

NEW SECTION. **Sec. 4.** RCW 70.128.225 (Advisory committee) and 2007 c 40 s 1 & 2002 c 223 s 4 are each repealed.

Sec. 5. RCW 70.128.163 and 2001 c 193 s 6 are each amended to read as follows:

(1) When the department has summarily suspended a license, the licensee may, subject to the department's approval, elect to participate in a temporary management program. All provisions of this section shall apply.

The purposes of a temporary management program are as follows:

(a) To mitigate dislocation and transfer trauma of residents while the department and licensee may pursue dispute resolution or appeal of a summary suspension of license;

(b) To facilitate the continuity of safe and appropriate resident care and services;

(c) To preserve a residential option that meets a specialized service need and/or is in a geographical area that has a lack of available providers; and

(d) To provide residents with the opportunity for orderly discharge.

(2) Licensee participation in the temporary management program is voluntary. The department shall have the discretion to approve any temporary manager and the temporary management arrangements. The temporary management shall assume the total responsibility for the daily operations of the home.

(3) The temporary management shall contract with the licensee as an independent contractor and is responsible for ensuring that all minimum licensing requirements are met. The temporary management shall protect the health, safety, and well-being of the residents for the duration of the temporary management and shall perform all acts reasonably necessary to ensure that residents' needs are met. The licensee is responsible for all costs related to administering the temporary management program and contracting with the temporary management. The

temporary management agreement shall at a minimum address the following:

(a) Provision of liability insurance to protect residents and their property;

(b) Preservation of resident trust funds;

(c) The timely payment of past due or current accounts, operating expenses, including but not limited to staff compensation, and all debt that comes due during the period of the temporary management;

(d) The responsibilities for addressing all other financial obligations that would interfere with the ability of the temporary manager to provide adequate care and services to residents; and

(e) The authority of the temporary manager to manage the home, including the hiring, managing, and firing of employees for good cause, and to provide adequate care and services to residents.

(4) The licensee and department shall provide written notification immediately to all residents, legal representatives, interested family members, and the state long-term care ombudsman program, of the temporary management and the reasons for it. This notification shall include notice that residents may move from the home without notifying the licensee in advance, and without incurring any charges, fees, or costs otherwise available for insufficient advance notice, during the temporary management period.

(5) The temporary management period under this section concludes twenty-eight days after issuance of the formal notification of enforcement action or conclusion of administrative proceedings, whichever date is later. Nothing in this section precludes the department from revoking its approval of the temporary management and/or exercising its licensing enforcement authority under this chapter. The department's decision whether to approve or to revoke a temporary management arrangement is not subject to the administrative procedure act, chapter 34.05 RCW.

(6) The department is authorized to adopt rules implementing this section. In implementing this section, the department shall consult with consumers, advocates, ~~(the adult family home advisory committee established under chapter 18.48 RCW;)~~ and organizations representing adult family homes. The department may recruit and approve qualified, licensed providers interested in serving as temporary managers.

Boarding Home Advisory Board

NEW SECTION. **Sec. 6.** RCW 18.20.260 (Advisory board) and 2000 c 47 s 8 are each repealed.

Citizens Advisory Council on Alcoholism and Drug Addiction

NEW SECTION. **Sec. 7.** RCW 70.96A.070 (Citizens advisory council--Qualifications--Duties--Rules and policies) and 1994 c 231 s 2, 1989 c 270 s 9, 1973 1st ex.s. c 155 s 1, & 1972 ex.s. c 122 s 7 are each repealed.

Citizens' Work Group on Health Care Reform

NEW SECTION. **Sec. 8.** The following acts or parts of acts are each repealed:

2008 c 311 s 1 (uncodified);

2008 c 311 s 2 (uncodified);

2008 c 311 s 3 (uncodified); and

2008 c 311 s 4 (uncodified).

Escrow Commission

Sec. 9. RCW 18.44.011 and 1999 c 30 s 1 are each amended to read as follows:

Unless a different meaning is apparent from the context, terms used in this chapter shall have the following meanings:

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

(1) "Department" means the department of financial institutions.

(2) "Director" means the director of financial institutions, or his or her duly authorized representative.

(3) "Director of licensing" means the director of the department of licensing, or his or her duly authorized representative.

(4) "Escrow" means any transaction, except the acts of a qualified intermediary in facilitating an exchange under section 1031 of the internal revenue code, wherein any person or persons, for the purpose of effecting and closing the sale, purchase, exchange, transfer, encumbrance, or lease of real or personal property to another person or persons, delivers any written instrument, money, evidence of title to real or personal property, or other thing of value to a third person to be held by such third person until the happening of a specified event or the performance of a prescribed condition or conditions, when it is then to be delivered by such third person, in compliance with instructions under which he or she is to act, to a grantee, grantor, promisee, promisor, obligee, obligor, lessee, lessor, bailee, bailor, or any agent or employee thereof.

(5) "Split escrow" means a transaction in which two or more escrow agents act to effect and close an escrow transaction.

(6) "Escrow agent" means any person engaged in the business of performing for compensation the duties of the third person referred to in subsection (4) of this section.

(7) "Licensed escrow agent" means any sole proprietorship, firm, association, partnership, or corporation holding a license as an escrow agent under the provisions of this chapter.

(8) "Person" means a natural person, firm, association, partnership, corporation, limited liability company, or the plural thereof, whether resident, nonresident, citizen, or not.

(9) "Licensed escrow officer" means any natural person handling escrow transactions and licensed as such by the director.

(10) "Designated escrow officer" means any licensed escrow officer designated by a licensed escrow agent and approved by the director as the licensed escrow officer responsible for supervising that agent's handling of escrow transactions, management of the agent's trust account, and supervision of all other licensed escrow officers employed by the agent.

(11) ("~~Escrow commission~~" means the escrow commission of the state of Washington created by RCW 18.44.500.

~~(12))~~ "Controlling person" is any person who owns or controls ten percent or more of the beneficial ownership of any escrow agent, regardless of the form of business organization employed and regardless of whether such interest stands in such person's true name or in the name of a nominee.

Sec. 10. RCW 18.44.195 and 1999 c 30 s 4 are each amended to read as follows:

(1) Any person desiring to become a licensed escrow officer must successfully pass an examination.

(2) The escrow officer examination shall encompass the following:

(a) Appropriate knowledge of the English language, including reading, writing, and arithmetic;

(b) An understanding of the principles of real estate conveyancing and the general purposes and legal effects of deeds, mortgages, deeds of trust, contracts of sale, exchanges, rental and optional agreements, leases, earnest money agreements, personal property transfers, and encumbrances;

(c) An understanding of the obligations between principal and agent;

(d) An understanding of the meaning and nature of encumbrances upon real property;

(e) An understanding of the principles and practice of trust accounting; and

(f) An understanding of the escrow agent registration act and other applicable law such as the real estate settlement procedures act, 12 U.S.C. Sec. 2601, and regulation X, 24 C.F.R. Sec. 3500.

(3) The examination shall be in such form as prescribed by the director (~~(with the advice of the escrow commission;))~~ and shall be given at least annually.

Sec. 11. RCW 18.44.221 and 1999 c 30 s 31 are each amended to read as follows:

The director shall, within thirty days after (~~the~~) a written request (~~(of the escrow commission)~~), hold a public hearing to determine whether the fidelity bond, surety bond, and/or the errors and omissions policy specified in RCW 18.44.201 is reasonably available to a substantial number of licensed escrow agents. If the director determines and the insurance commissioner concurs that such bond or bonds and/or policy is not reasonably available, the director shall waive the requirements for such bond or bonds and/or policy for a fixed period of time.

Sec. 12. RCW 18.44.251 and 1995 c 238 s 5 are each amended to read as follows:

A request for a waiver of the required errors and omissions policy may be accomplished under the statute by submitting to the director an affidavit that substantially addresses the following:

REQUEST FOR WAIVER OF ERRORS AND OMISSIONS POLICY

I,, residing at, City of, County of, State of Washington, declare the following:

(1) (~~The state escrow commission has determined that~~) An errors and omissions policy is not reasonably available to a substantial number of licensed escrow officers; and

(2) Purchasing an errors and omissions policy is cost-prohibitive at this time; and

(3) I have not engaged in any conduct that resulted in the termination of my escrow certificate; and

(4) I have not paid, directly or through an errors and omissions policy, claims in excess of ten thousand dollars, exclusive of costs and attorneys' fees, during the calendar year preceding submission of this affidavit; and

(5) I have not paid, directly or through an errors and omissions policy, claims, exclusive of costs and attorneys' fees, totaling in excess of twenty thousand dollars in the three calendar years immediately preceding submission of this affidavit; and

(6) I have not been convicted of a crime involving honesty or moral turpitude during the calendar year preceding submission of this application.

THEREFORE, in consideration of the above, I,, respectfully request that the director of financial institutions grant this request for a waiver of the requirement that I purchase and maintain an errors and omissions policy covering my activities as an escrow agent licensed by the state of Washington for the period from, 19, to, 19

Submitted this day of day of, 19

.....
(signature)

State of Washington,

ss.

County of

I certify that I know or have satisfactory evidence that, signed this instrument and acknowledged it to be free and voluntary act for the uses and purposes mentioned in the instrument.

Dated

Signature of

Notary Public

(Seal or stamp)

Title

My appointment expires

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

NEW SECTION. Sec. 13. The following acts or parts of acts are each repealed:

(1) RCW 18.44.500 (Escrow commission--Members--Terms--Compensation and travel expenses) and 1995 c 238 s 3, 1985 c 340 s 3, & 1984 c 287 s 36; and

(2) RCW 18.44.510 (Compensation and travel expenses of commission members) and 1984 c 287 s 37 & 1977 ex.s. c 156 s 29.

Firearms Range Advisory Committee

NEW SECTION. Sec. 14. RCW 79A.25.220 (Firearms range advisory committee) and 2007 c 241 s 55, 1993 sp.s. c 2 s 71, & 1990 c 195 s 3 are each repealed.

Model Toxic Control Act Science Advisory Board

Sec. 15. RCW 70.105D.030 and 2007 c 446 s 1, 2007 c 225 s 1, and 2007 c 104 s 19 are each reenacted and amended to read as follows:

(1) The department may exercise the following powers in addition to any other powers granted by law:

(a) Investigate, provide for investigating, or require potentially liable persons to investigate any releases or threatened releases of hazardous substances, including but not limited to inspecting, sampling, or testing to determine the nature or extent of any release or threatened release. If there is a reasonable basis to believe that a release or threatened release of a hazardous substance may exist, the department's authorized employees, agents, or contractors may enter upon any property and conduct investigations. The department shall give reasonable notice before entering property unless an emergency prevents such notice. The department may by subpoena require the attendance or testimony of witnesses and the production of documents or other information that the department deems necessary;

(b) Conduct, provide for conducting, or require potentially liable persons to conduct remedial actions (including investigations under (a) of this subsection) to remedy releases or threatened releases of hazardous substances. In carrying out such powers, the department's authorized employees, agents, or contractors may enter upon property. The department shall give reasonable notice before entering property unless an emergency prevents such notice. In conducting, providing for, or requiring remedial action, the department shall give preference to permanent solutions to the maximum extent practicable and shall provide for or require adequate monitoring to ensure the effectiveness of the remedial action;

(c) Indemnify contractors retained by the department for carrying out investigations and remedial actions, but not for any contractor's reckless or willful misconduct;

(d) Carry out all state programs authorized under the federal cleanup law and the federal resource, conservation, and recovery act, 42 U.S.C. Sec. 6901 et seq., as amended;

(e) Classify substances as hazardous substances for purposes of RCW 70.105D.020 and classify substances and products as hazardous substances for purposes of RCW 82.21.020(1);

(f) Issue orders or enter into consent decrees or agreed orders that include, or issue written opinions under (i) of this subsection that may be conditioned upon, environmental covenants where necessary to protect human health and the environment from a release or threatened release of a hazardous substance from a facility. Prior to establishing an environmental covenant under this subsection, the department shall consult with and seek comment from a city or county department with land use planning authority for real property subject to the environmental covenant;

(g) Enforce the application of permanent and effective institutional controls that are necessary for a remedial action to be protective of human health and the environment and the notification requirements established in RCW 70.105D.110, and

impose penalties for violations of that section consistent with RCW 70.105D.050;

(h) Require holders to conduct remedial actions necessary to abate an imminent or substantial endangerment pursuant to RCW 70.105D.020(17)(b)(ii)(C);

(i) Provide informal advice and assistance to persons regarding the administrative and technical requirements of this chapter. This may include site-specific advice to persons who are conducting or otherwise interested in independent remedial actions. Any such advice or assistance shall be advisory only, and shall not be binding on the department. As a part of providing this advice and assistance for independent remedial actions, the department may prepare written opinions regarding whether the independent remedial actions or proposals for those actions meet the substantive requirements of this chapter or whether the department believes further remedial action is necessary at the facility. Nothing in this chapter may be construed to preclude the department from issuing a written opinion on whether further remedial action is necessary at any portion of the real property located within a facility, even if further remedial action is still necessary elsewhere at the same facility. Such a written opinion on a portion of a facility must also provide an opinion on the status of the facility as a whole. The department may collect, from persons requesting advice and assistance, the costs incurred by the department in providing such advice and assistance; however, the department shall, where appropriate, waive collection of costs in order to provide an appropriate level of technical assistance in support of public participation. The state, the department, and officers and employees of the state are immune from all liability, and no cause of action of any nature may arise from any act or omission in providing, or failing to provide, informal advice and assistance; and

(j) Take any other actions necessary to carry out the provisions of this chapter, including the power to adopt rules under chapter 34.05 RCW.

(2) The department shall immediately implement all provisions of this chapter to the maximum extent practicable, including investigative and remedial actions where appropriate. The department shall adopt, and thereafter enforce, rules under chapter 34.05 RCW to:

(a) Provide for public participation, including at least (i) public notice of the development of investigative plans or remedial plans for releases or threatened releases and (ii) concurrent public notice of all compliance orders, agreed orders, enforcement orders, or notices of violation;

(b) Establish a hazard ranking system for hazardous waste sites;

(c) Provide for requiring the reporting by an owner or operator of releases of hazardous substances to the environment that may be a threat to human health or the environment within ninety days of discovery, including such exemptions from reporting as the department deems appropriate, however this requirement shall not modify any existing requirements provided for under other laws;

(d) Establish reasonable deadlines not to exceed ninety days for initiating an investigation of a hazardous waste site after the department receives notice or otherwise receives information that the site may pose a threat to human health or the environment and other reasonable deadlines for remedying releases or threatened releases at the site;

(e) Publish and periodically update minimum cleanup standards for remedial actions at least as stringent as the cleanup standards under section 121 of the federal cleanup law, 42 U.S.C. Sec. 9621, and at least as stringent as all applicable state and federal laws, including health-based standards under state and federal law; and

(f) Apply industrial clean-up standards at industrial properties. Rules adopted under this subsection shall ensure that industrial properties cleaned up to industrial standards cannot be converted to nonindustrial uses without approval from the

ONE HUNDRED SECOND DAY, APRIL 23, 2009

department. The department may require that a property cleaned up to industrial standards is cleaned up to a more stringent applicable standard as a condition of conversion to a nonindustrial use. Industrial clean-up standards may not be applied to industrial properties where hazardous substances remaining at the property after remedial action pose a threat to human health or the environment in adjacent nonindustrial areas.

(3) To achieve and protect the state's long-term ecological health, the department shall prioritize sufficient funding to clean up hazardous waste sites and prevent the creation of future hazards due to improper disposal of toxic wastes, and create financing tools to clean up large-scale hazardous waste sites requiring multiyear commitments. To effectively monitor toxic accounts expenditures, the department shall develop a comprehensive ten-year financing report that identifies long-term remedial action project costs, tracks expenses, and projects future needs.

(4) Before December 20th of each even-numbered year, the department shall:

(a) Develop a comprehensive ten-year financing report in coordination with all local governments with clean-up responsibilities that identifies the projected biennial hazardous waste site remedial action needs that are eligible for funding from the local toxics control account;

(b) Work with local governments to develop working capital reserves to be incorporated in the ten-year financing report;

(c) Identify the projected remedial action needs for orphaned, abandoned, and other clean-up sites that are eligible for funding from the state toxics control account;

(d) Project the remedial action need, cost, revenue, and any recommended working capital reserve estimate to the next biennium's long-term remedial action needs from both the local toxics control account and the state toxics control account, and submit this information to the appropriate standing fiscal and environmental committees of the senate and house of representatives. This submittal must also include a ranked list of such remedial action projects for both accounts; and

(e) Provide the legislature and the public each year with an accounting of the department's activities supported by appropriations from the state and local toxics control accounts, including a list of known hazardous waste sites and their hazard rankings, actions taken and planned at each site, how the department is meeting its waste management priorities under RCW 70.105.150, and all funds expended under this chapter.

~~(5) ((The department shall establish a scientific advisory board to render advice to the department with respect to the hazard ranking system, cleanup standards, remedial actions, deadlines for remedial actions, monitoring, the classification of substances as hazardous substances for purposes of RCW 70.105D.020 and the classification of substances or products as hazardous substances for purposes of RCW 82.21.020(1). The board shall consist of five independent members to serve staggered three-year terms. No members may be employees of the department. Members shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.~~

~~(6))~~ (6) The department shall establish a program to identify potential hazardous waste sites and to encourage persons to provide information about hazardous waste sites.

~~(7))~~ (6) For all facilities where an environmental covenant has been required under subsection (1)(f) of this section, including all facilities where the department has required an environmental covenant under an order, agreed order, or consent decree, or as a condition of a written opinion issued under the authority of subsection (1)(i) of this section, the department shall periodically review the environmental covenant for effectiveness. Except as otherwise provided in (c) of this subsection, the department shall conduct a review at least once every five years after an environmental covenant is recorded.

(a) The review shall consist of, at a minimum:

(i) A review of the title of the real property subject to the environmental covenant to determine whether the environmental covenant was properly recorded and, if applicable, amended or terminated;

(ii) A physical inspection of the real property subject to the environmental covenant to determine compliance with the environmental covenant, including whether any development or redevelopment of the real property has violated the terms of the environmental covenant; and

(iii) A review of the effectiveness of the environmental covenant in limiting or prohibiting activities that may interfere with the integrity of the remedial action or that may result in exposure to or migration of hazardous substances. This shall include a review of available monitoring data.

(b) If an environmental covenant has been amended or terminated without proper authority, or if the terms of an environmental covenant have been violated, or if the environmental covenant is no longer effective in limiting or prohibiting activities that may interfere with the integrity of the remedial action or that may result in exposure to or migration of hazardous substances, then the department shall take any and all appropriate actions necessary to ensure compliance with the environmental covenant and the policies and requirements of this chapter.

(c) For facilities where an environmental covenant required by the department under subsection (1)(f) of this section was required before July 1, 2007, the department shall:

(i) Enter all required information about the environmental covenant into the registry established under RCW 64.70.120 by June 30, 2008;

(ii) For those facilities where more than five years has elapsed since the environmental covenant was required and the department has yet to conduct a review, conduct an initial review according to the following schedule:

(A) By December 30, 2008, fifty facilities;

(B) By June 30, 2009, fifty additional facilities; and

(C) By June 30, 2010, the remainder of the facilities;

(iii) Once this initial review has been completed, conduct subsequent reviews at least once every five years.

Mortgage Brokers

NEW SECTION. **Sec. 16.** RCW 19.146.280 (Mortgage broker commission--Code of conduct--Complaint review) and 2006 c 19 s 17, 2001 c 177 s 6, 1997 c 106 s 20, 1994 c 33 s 26, & 1993 c 468 s 21 are each repealed.

Sec. 17. RCW 19.146.225 and 2006 c 19 s 14 are each amended to read as follows:

In accordance with the administrative procedure act, chapter 34.05 RCW, the director may issue rules under this chapter only ((after seeking the advice of the mortgage broker commission and only)) for the purpose of governing the activities of licensed mortgage brokers, loan originators, and other persons subject to this chapter.

Oil Heat Advisory Committee

Sec. 18. RCW 70.149.040 and 2007 c 240 s 1 are each amended to read as follows:

The director shall:

(1) Design a program, consistent with RCW 70.149.120, for providing pollution liability insurance for heating oil tanks that provides up to sixty thousand dollars per occurrence coverage and aggregate limits, and protects the state of Washington from unwanted or unanticipated liability for accidental release claims;

(2) Administer, implement, and enforce the provisions of this chapter. To assist in administration of the program, the director is authorized to appoint up to two employees who are exempt from the civil service law, chapter 41.06 RCW, and who shall serve at the pleasure of the director;

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

(3) Administer the heating oil pollution liability trust account, as established under RCW 70.149.070;

(4) Employ and discharge, at his or her discretion, agents, attorneys, consultants, companies, organizations, and employees as deemed necessary, and to prescribe their duties and powers, and fix their compensation;

(5) Adopt rules under chapter 34.05 RCW as necessary to carry out the provisions of this chapter;

(6) Design and from time to time revise a reinsurance contract providing coverage to an insurer or insurers meeting the requirements of this chapter. The director is authorized to provide reinsurance through the pollution liability insurance program trust account;

(7) Solicit bids from insurers and select an insurer to provide pollution liability insurance for third-party bodily injury and property damage, and corrective action to owners and operators of heating oil tanks;

(8) Register, and design a means of accounting for, operating heating oil tanks;

(9) Implement a program to provide advice and technical assistance to owners and operators of active and abandoned heating oil tanks if contamination from an active or abandoned heating oil tank is suspected. Advice and assistance regarding administrative and technical requirements may include observation of testing or site assessment and review of the results of reports. If the director finds that contamination is not present or that the contamination is apparently minor and not a threat to human health or the environment, the director may provide written opinions and conclusions on the results of the investigation to owners and operators of active and abandoned heating oil tanks. The agency is authorized to collect, from persons requesting advice and assistance, the costs incurred by the agency in providing such advice and assistance. The costs may include travel costs and expenses associated with review of reports and preparation of written opinions and conclusions. Funds from cost reimbursement must be deposited in the heating oil pollution liability trust account. The state of Washington, the pollution liability insurance agency, and its officers and employees are immune from all liability, and no cause of action arises from any act or omission in providing, or failing to provide, such advice, opinion, conclusion, or assistance;

(10) Establish a public information program to provide information regarding liability, technical, and environmental requirements associated with active and abandoned heating oil tanks;

(11) Monitor agency expenditures and seek to minimize costs and maximize benefits to ensure responsible financial stewardship;

~~(12) ((Create an advisory committee of stakeholders to advise the director on all aspects of program operations and fees authorized by this chapter, including pollution prevention programs. The advisory committee must have one member each from the Pacific Northwest oil heat council, the Washington oil marketers association, the western states petroleum association, and the department of ecology and three members from among the owners of home heating oil tanks registered with the pollution liability insurance agency who are generally representative of the geographical distribution and types of registered owners. The committee should meet at least quarterly, or more frequently at the discretion of the director; and~~

~~((13)) Study if appropriate user fees to supplement program funding are necessary and develop recommendations for legislation to authorize such fees.~~

Parks Centennial Advisory Committee

Sec. 19. RCW 79A.75.900 and 2004 c 14 s 5 are each amended to read as follows:

This act expires ~~((December 31, 2013))~~ June 30, 2009.

Prescription Drug Purchasing Consortium Advisory Commission

Sec. 20. RCW 70.14.060 and 2005 c 129 s 1 are each amended to read as follows:

(1) The administrator of the state health care authority shall, directly or by contract, adopt policies necessary for establishment of a prescription drug purchasing consortium. The consortium's purchasing activities shall be based upon the evidence-based prescription drug program established under RCW 70.14.050. State purchased health care programs as defined in RCW 41.05.011 shall purchase prescription drugs through the consortium for those prescription drugs that are purchased directly by the state and those that are purchased through reimbursement of pharmacies, unless exempted under this section. The administrator shall not require any supplemental rebate offered to the department of social and health services by a pharmaceutical manufacturer for prescription drugs purchased for medical assistance program clients under chapter 74.09 RCW be extended to any other state purchased health care program, or to any other individuals or entities participating in the consortium. The administrator shall explore joint purchasing opportunities with other states.

(2) Participation in the purchasing consortium shall be offered as an option beginning January 1, 2006. Participation in the consortium is purely voluntary for units of local government, private entities, labor organizations, and for individuals who lack or are underinsured for prescription drug coverage. The administrator may set reasonable fees, including enrollment fees, to cover administrative costs attributable to participation in the prescription drug consortium.

~~(3) ((The prescription drug consortium advisory committee is created within the authority. The function of the prescription drug advisory committee is to advise the administrator of the state health care authority on the implementation of the prescription drug purchasing consortium.~~

~~((4) The prescription drug consortium advisory committee shall be composed of eleven members selected as provided in this subsection:~~

~~((a) The administrator shall select one member of the prescription drug consortium advisory committee from each list of three nominees submitted by statewide organizations representing the following:~~

~~((i) One representative of state employees, who represents an employee union certified as exclusive representative of at least one bargaining unit of classified employees;~~

~~((ii) One member who is a licensed physician;~~

~~((iii) One member who is a licensed pharmacist;~~

~~((iv) One member who is a licensed advanced registered nurse practitioner;~~

~~((v) One member representing a health carrier licensed under Title 48 RCW; and~~

~~((vi) One member representing unions that represent private sector employees;~~

~~((b) The administrator shall select two members of the advisory committee from a list of nominees submitted by statewide organizations representing consumers. One of the consumer members shall have knowledge or experience regarding senior citizen prescription drug cost and utilization issues;~~

~~((c) The administrator shall select two members of the advisory committee from a list of nominees submitted by statewide organizations representing business, one of whom shall represent small businesses who employ fifty or fewer employees and one of whom shall represent large businesses; and~~

~~((d) The administrator shall select one member who is versed in biologic medicine through research or academia from the University of Washington or Washington State University;~~

~~((5) The administrator shall consult with the advisory committee on at least a quarterly basis on significant policy~~

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

~~decisions related to implementation of the purchasing consortium.~~

~~(6))~~ This section does not apply to state purchased health care services that are purchased from or through health carriers as defined in RCW 48.43.005, or group model health maintenance organizations that are accredited by the national committee for quality assurance.

~~((7))~~ (4) The state health care authority is authorized to adopt rules implementing chapter 129, Laws of 2005.

~~((8))~~ (5) State purchased health care programs are exempt from the requirements of this section if they can demonstrate to the administrator that, as a result of the availability of federal programs or other purchasing arrangements, their other purchasing mechanisms will result in greater discounts and aggregate cost savings than would be realized through participation in the consortium.

Risk Management Advisory Committee

NEW SECTION. **Sec. 21.** RCW 4.92.230 (Risk management--Advisory committee created--Duties) and 2002 c 332 s 19 & 1989 c 419 s 7 are each repealed.

Sec. 22. RCW 4.92.130 and 2002 c 332 s 14 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 ~~(, with the consultation and advice of the risk management advisory committee).~~ 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 risk management division. If the account exceeds the maximum amount specified in this section, premiums may be adjusted by the 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.

Securities Advisory Committee

NEW SECTION. **Sec. 23.** The following acts or parts of acts are each repealed:

(1) RCW 21.20.550 (State advisory committee--Composition, appointment, qualifications) and 1973 1st ex.s. c 171 s 3 & 1959 c 282 s 55;

(2) RCW 21.20.560 (State advisory committee--Chairperson, secretary--Meetings) and 1979 ex.s. c 68 s 39, 1973 1st ex.s. c 171 s 4, & 1959 c 282 s 56;

(3) RCW 21.20.570 (State advisory committee--Terms--Vacancies) and 1959 c 282 s 57;

(4) RCW 21.20.580 (State advisory committee--Duties) and 1981 c 272 s 10, 1979 ex.s. c 68 s 40, & 1959 c 282 s 58; and

(5) RCW 21.20.590 (State advisory committee--Reimbursement of travel expenses) and 1981 c 272 s 11, 1975-'76 2nd ex.s. c 34 s 65, & 1959 c 282 s 59.

Radiologic Technologists Ad Hoc Committee

Sec. 24. RCW 18.84.040 and 2008 c 246 s 4 are each amended to read as follows:

(1) In addition to any other authority provided by law, the secretary may:

(a) Adopt rules, in accordance with chapter 34.05 RCW, necessary to implement this chapter;

(b) Set all registration, certification, and renewal fees in accordance with RCW 43.70.250;

(c) Establish forms and procedures necessary to administer this chapter;

(d) Evaluate and designate those schools from which graduation will be accepted as proof of an applicant's eligibility to receive a certificate;

(e) Determine whether alternative methods of training are equivalent to formal education, and to establish forms, procedures, and criteria for evaluation of an applicant's alternative training to determine the applicant's eligibility to receive a certificate;

(f) Issue a certificate to any applicant who has met the education, training, examination, and conduct requirements for certification; and

(g) Issue a registration to an applicant who meets the requirement for a registration.

(2) The secretary may hire clerical, administrative, and investigative staff as needed to implement this chapter.

(3) The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of registrations and certifications, unregistered and uncertified practice, and the discipline of registrants and certificants under this chapter. The secretary is the disciplining authority under this chapter.

~~((4) The secretary may appoint ad hoc members of the profession to serve in an ad hoc advisory capacity to the secretary in carrying out this chapter. The members will serve for designated times and provide advice on matters specifically identified and requested by the secretary. The members shall be compensated in accordance with RCW 43.03.220 and reimbursed for travel expenses under RCW 43.03.040 and 43.03.060.)~~

Sec. 25. RCW 18.84.070 and 1994 sp.s. c 9 s 507 are each amended to read as follows:

The secretary ~~(, ad hoc committee members,)~~ or individuals acting on ~~(their)~~ his or her behalf are immune from suit in any civil action based on any certification or disciplinary proceedings or other official acts performed in the course of their duties.

Main Street Advisory Committee

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

NEW SECTION. Sec. 26. RCW 43.360.040 (Washington main street advisory committee) and 2005 c 514 s 911 are each repealed.

Foster Care Endowed Scholarship Advisory Board

NEW SECTION. Sec. 27. RCW 28B.116.040 (Foster care endowed scholarship advisory board) and 2005 c 215 s 5 are each repealed.

Sec. 28. RCW 28B.116.020 and 2005 c 215 s 3 are each amended to read as follows:

(1) The foster care endowed scholarship program is created. The purpose of the program is to help students who were in foster care attend an institution of higher education in the state of Washington. The foster care endowed scholarship program shall be administered by the higher education coordinating board.

(2) In administering the program, the higher education coordinating board's powers and duties shall include but not be limited to:

(a) Adopting necessary rules and guidelines; and

(b) Administering the foster care endowed scholarship trust fund and the foster care scholarship endowment fund(~~and~~
~~—(c) Establishing and assisting the foster care endowed scholarship advisory board in its duties as described in RCW 28B.116.040).~~

(3) In administering the program, the higher education coordinating board's powers and duties may include but not be limited to:

(a) Working with the department of social and health services and the superintendent of public instruction to provide information about the foster care endowed scholarship program to children in foster care in the state of Washington and to students over the age of sixteen who could be eligible for this program;

(b) Publicizing the program; and

(c) Contracting with a private agency to perform outreach to the potentially eligible students.

Higher Education Coordinating Board--Work Study

Sec. 29. RCW 28B.12.040 and 1994 c 130 s 4 are each amended to read as follows:

~~((With the assistance of an advisory committee,))~~ The higher education coordinating board shall develop and administer the state work-study program. The board shall be authorized to enter into agreements with employers and eligible institutions for the operation of the program. These agreements shall include such provisions as the higher education coordinating board may deem necessary or appropriate to carry out the purposes of this chapter.

~~((The members of the work-study advisory committee may include, but need not be limited to representatives of public and private community colleges, technical colleges, and four-year institutions of higher education; vocational schools; students; community service organizations; public schools; business; and labor. When selecting members of the advisory committee, the board shall consult with institutions of higher education, the state board for community and technical colleges, the workforce training and education coordinating board, and appropriate associations and organizations.))~~ With the exception of off-campus community service placements, the share from moneys disbursed under the state work-study program of the compensation of students employed under such program in accordance with such agreements shall not exceed eighty percent of the total such compensation paid such students.

By rule, the board shall define community service placements and may determine any salary matching requirements for any community service employers.

Sexual Offender Treatment Providers Advisory Committee

NEW SECTION. Sec. 30. RCW 18.155.050 (Sexual offender treatment providers advisory committee) and 1990 c 3 s 805 are each repealed.

Vendor Rates Advisory Rates

NEW SECTION. Sec. 31. The following acts or parts of acts are each repealed:

(1) RCW 74.32.100 (Advisory committee on vendor rates--Created--Members--Chairman) and 1971 ex.s. c 87 s 1 & 1969 ex.s. c 203 s 1;

(2) RCW 74.32.110 (Advisory committee on vendor rates--"Vendor rates" defined) and 1969 ex.s. c 203 s 2;

(3) RCW 74.32.120 (Advisory committee on vendor rates--Meetings--Travel expenses) and 1975-76 2nd ex.s. c 34 s 170 & 1969 ex.s. c 203 s 3;

(4) RCW 74.32.130 (Advisory committee on vendor rates--Powers and duties) and 1971 ex.s. c 87 s 2 & 1969 ex.s. c 203 s 4;

(5) RCW 74.32.140 (Investigation to determine if additional requirements or standards affecting vendor group) and 1971 ex.s. c 298 s 1;

(6) RCW 74.32.150 (Investigation to determine if additional requirements or standards affecting vendor group--Scope of investigation) and 1971 ex.s. c 298 s 2;

(7) RCW 74.32.160 (Investigation to determine if additional requirements or standards affecting vendor group--Changes investigated regardless of source) and 1971 ex.s. c 298 s 3;

(8) RCW 74.32.170 (Investigation to determine if additional requirements or standards affecting vendor group--Prevailing wage scales and fringe benefit programs to be considered) and 1971 ex.s. c 298 s 4; and

(9) RCW 74.32.180 (Investigation to determine if additional requirements or standards affecting vendor group--Additional factors to be accounted for) and 1971 ex.s. c 298 s 5.

Advisory Council on Adult Education

NEW SECTION. Sec. 32. RCW 28B.50.254 (Advisory council on adult education--Workforce training and education coordinating board to monitor) and 1991 c 238 s 19 are each repealed.

Sec. 33. RCW 28C.18.050 and 1995 c 130 s 3 are each amended to read as follows:

(1) The board shall be designated as the state board of vocational education as provided for in P.L. 98-524, as amended, and shall perform such functions as is necessary to comply with federal directives pertaining to the provisions of such law.

(2) The board shall perform the functions of the human resource investment council as provided for in the federal job training partnership act, P.L. 97-300, as amended.

(3) The board shall provide policy advice for any federal act pertaining to workforce development that is not required by state or federal law to be provided by another state body.

(4) Upon enactment of new federal initiatives relating to workforce development, the board shall advise the governor and the legislature on mechanisms for integrating the federal initiatives into the state's workforce development system and make recommendations on the legislative or administrative measures necessary to streamline and coordinate state efforts to meet federal guidelines.

(5) The board shall monitor for consistency with the state comprehensive plan for workforce training and education the policies and plans established by the state job training coordinating council(~~(the advisory council on adult education.))~~ and the Washington state plan for adult basic education, and provide guidance for making such policies and plans consistent with the state comprehensive plan for workforce training and education.

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

Sec. 34. RCW 28C.18.090 and 1995 c 130 s 4 are each amended to read as follows:

(1) The board shall specify, by December 31, 1995, the common core data to be collected by the operating agencies of the state training system and the standards for data collection and maintenance required in RCW 28C.18.060(8).

(2) The minimum standards for program evaluation by operating agencies required in RCW 28C.18.060(9) shall include biennial program evaluations; the first of such evaluations shall be completed by the operating agencies July 1, 1996. The program evaluation of adult basic skills education shall be provided by the ~~((advisory council on adult education))~~ board.

(3) The board shall complete, by January 1, 1996, its first outcome-based evaluation and, by September 1, 1996, its nonexperimental net-impact and cost-benefit evaluations of the training system. The outcome, net-impact, and cost-benefit evaluations shall for the first evaluations, include evaluations of each of the following programs: Secondary vocational-technical education, work-related adult basic skills education, postsecondary workforce training, job training partnership act titles II and III, as well as of the system as a whole.

(4) The board shall use the results of its outcome, net-impact, and cost-benefit evaluations to develop and make recommendations to the legislature and the governor for the modification, consolidation, initiation, or elimination of workforce training and education programs in the state.

The board shall perform the requirements of this section in cooperation with the operating agencies.

Committee on Agency Official's Salaries

Sec. 35. RCW 43.03.027 and 1970 ex.s. c 43 s 1 are each amended to read as follows:

It is hereby declared to be the public policy of this state to base the salaries of public officials on realistic standards in order that such officials may be paid according to the true value of their services and the best qualified citizens may be attracted to public service. It is the purpose of ~~((RCW 43.03.027, 43.03.028;))~~ this section and RCW 43.03.040~~((, 43.03.045 and 43.03.047))~~ to effectuate this policy by utilizing the expert knowledge of citizens having access to pertinent facts concerning proper salaries for public officials, thus removing and dispelling any thought of political consideration in fixing the appropriateness of the amount of such salaries.

Sec. 36. RCW 43.03.028 and 2007 c 241 s 3 are each amended to read as follows:

~~((There is hereby created a state committee on agency officials' salaries to consist of seven members, or their designees, as follows: The president of the University of Puget Sound; the chairperson of the council of presidents of the state's four-year institutions of higher education; the chairperson of the Washington personnel resources board; the president of the Association of Washington Business; the president of the Pacific Northwest Personnel Managers' Association; the president of the Washington State Bar Association; and the president of the Washington State Labor Council. If any of the titles or positions mentioned in this subsection are changed or abolished, any person occupying an equivalent or like position shall be qualified for appointment by the governor to membership upon the committee.~~

~~((2) The committee))~~ The department of personnel 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.

~~((The committee))~~ (2) The department of personnel 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.

~~((3) Committee members shall be reimbursed by the department of personnel for travel expenses under RCW 43.03.050 and 43.03.060-))~~

Sec. 37. RCW 34.12.100 and 1986 c 155 s 10 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 ~~((state committee on agency officials' salaries))~~ department of personnel. 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 ~~((state committee on agency officials' salaries))~~ department of personnel.

Sec. 38. RCW 42.17.370 and 1995 c 397 s 17 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 ~~((committee on agency officials' salaries))~~ department of personnel 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

ONE HUNDRED SECOND DAY, APRIL 23, 2009

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.

2009 REGULAR SESSION

Sec. 39. RCW 43.03.040 and 1993 sp.s. c 24 s 914 are each amended to read as follows:

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(~~(2)~~) (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 ~~((committee on agency officials' salaries. Beginning July 1, 1993, through June 30, 1995, the salary paid to such directors and members of boards and commissions shall not exceed the amount paid as of April 1, 1993))~~ department of personnel.

Airport Impact Mitigation Advisory Board

Sec. 40. RCW 43.63A.760 and 2003 1st sp.s. c 26 s 928 are each amended to read as follows:

(1) The airport impact mitigation account is created in the custody of the state treasury. Moneys deposited in the account, including moneys received from the port of Seattle for purposes of this section, may be used only for airport mitigation purposes as provided in this section. Only the director of the department of community, trade, and economic development 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) The department of community, trade, and economic development shall establish a competitive process to prioritize applications for airport impact mitigation assistance through the account created in subsection (1) of this section. The department shall conduct a solicitation of project applications in the airport impact area as defined in subsection ~~((4))~~ (3) of this section. Eligible applicants include public entities such as cities, counties, schools, parks, fire districts, and shall include organizations eligible to apply for grants under RCW 43.63A.125. The department of community, trade, and economic development shall evaluate and rank applications ~~((in conjunction with the airport impact mitigation advisory board established in subsection (3) of this section))~~ using objective criteria developed by the department ~~((in conjunction with the airport impact mitigation advisory board))~~. At a minimum, the criteria must consider: The extent to which the applicant is impacted by the airport; and the other resources available to the applicant to mitigate the impact, including other mitigation funds. The director of the department of community, trade, and economic development shall award grants annually to the extent funds are available in the account created in subsection (1) of this section.

(3) ~~((The director of the department of community, trade, and economic development shall establish the airport impact mitigation advisory board comprised of persons in the airport impact area to assist the director in developing criteria and ranking applications under this section. The advisory board shall include representation of local governments, the public in general, businesses, schools, community services organizations, parks and recreational activities, and others at the discretion of the director. The advisory board shall be weighted toward those communities closest to the airport that are more adversely impacted by airport activities.~~

~~((4))~~ The airport impact area includes the incorporated areas of Burien, Normandy Park, Des Moines, SeaTac, Tukwilla, Kent, and Federal Way, and the unincorporated portion of west King county.

~~((5))~~ (4) The department of community, trade, and economic development shall report on its activities related to the account created in this section by January 1, 2004, and each January 1st thereafter.

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

Athletic Training Advisory Committee

NEW SECTION. **Sec. 41.** RCW 18.250.030 (Athletic training advisory committee) and 2007 c 253 s 4 are each repealed.

Sec. 42. RCW 18.250.010 and 2007 c 253 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) "Athlete" means a person who participates in exercise, recreation, sport, or games requiring physical strength, range-of-motion, flexibility, body awareness and control, speed, stamina, or agility, and the exercise, recreation, sports, or games are of a type conducted in association with an educational institution or professional, amateur, or recreational sports club or organization.

(2) "Athletic injury" means an injury or condition sustained by an athlete that affects the person's participation or performance in exercise, recreation, sport, or games and the injury or condition is within the professional preparation and education of an athletic trainer.

(3) "Athletic trainer" means a person who is licensed under this chapter. An athletic trainer can practice athletic training through the consultation, referral, or guidelines of a licensed health care provider working within their scope of practice.

(4)(a) "Athletic training" means the application of the following principles and methods as provided by a licensed athletic trainer:

(i) Risk management and prevention of athletic injuries through preactivity screening and evaluation, educational programs, physical conditioning and reconditioning programs, application of commercial products, use of protective equipment, promotion of healthy behaviors, and reduction of environmental risks;

(ii) Recognition, evaluation, and assessment of athletic injuries by obtaining a history of the athletic injury, inspection and palpation of the injured part and associated structures, and performance of specific testing techniques related to stability and function to determine the extent of an injury;

(iii) Immediate care of athletic injuries, including emergency medical situations through the application of first-aid and emergency procedures and techniques for nonlife-threatening or life-threatening athletic injuries;

(iv) Treatment, rehabilitation, and reconditioning of athletic injuries through the application of physical agents and modalities, therapeutic activities and exercise, standard reassessment techniques and procedures, commercial products, and educational programs, in accordance with guidelines established with a licensed health care provider as provided in RCW 18.250.070; and

(v) Referral of an athlete to an appropriately licensed health care provider if the athletic injury requires further definitive care or the injury or condition is outside an athletic trainer's scope of practice, in accordance with RCW 18.250.070.

(b) "Athletic training" does not include:

(i) The use of spinal adjustment or manipulative mobilization of the spine and its immediate articulations;

(ii) Orthotic or prosthetic services with the exception of evaluation, measurement, fitting, and adjustment of temporary, prefabricated or direct-formed orthosis as defined in chapter 18.200 RCW;

(iii) The practice of occupational therapy as defined in chapter 18.59 RCW;

(iv) The practice of acupuncture as defined in chapter 18.06 RCW;

(v) Any medical diagnosis; and

(vi) Prescribing legend drugs or controlled substances, or surgery.

(5) (~~"Committee" means the athletic training advisory committee.~~

~~(6))~~ "Department" means the department of health.

~~((7))~~ (6) "Licensed health care provider" means a physician, physician assistant, osteopathic physician, osteopathic physician assistant, advanced registered nurse practitioner, naturopath, physical therapist, chiropractor, dentist, massage practitioner, acupuncturist, occupational therapist, or podiatric physician and surgeon.

~~((8))~~ (7) "Secretary" means the secretary of health or the secretary's designee.

Sec. 43. RCW 18.250.020 and 2007 c 253 s 3 are each amended to read as follows:

(1) In addition to any other authority provided by law, the secretary may:

(a) Adopt rules, in accordance with chapter 34.05 RCW, necessary to implement this chapter;

(b) Establish all license, examination, and renewal fees in accordance with RCW 43.70.250;

(c) Establish forms and procedures necessary to administer this chapter;

(d) Establish administrative procedures, administrative requirements, and fees in accordance with RCW 43.70.250 and 43.70.280. All fees collected under this section must be credited to the health professions account as required under RCW 43.70.320;

(e) Develop and administer, or approve, or both, examinations to applicants for a license under this chapter;

(f) Issue a license to any applicant who has met the education, training, and examination requirements for licensure and deny a license to applicants who do not meet the minimum qualifications for licensure. However, denial of licenses based on unprofessional conduct or impaired practice is governed by the uniform disciplinary act, chapter 18.130 RCW;

(g) (~~In consultation with the committee,~~) Approve examinations prepared or administered by private testing agencies or organizations for use by an applicant in meeting the licensing requirements under RCW 18.250.060;

(h) Determine which states have credentialing requirements substantially equivalent to those of this state, and issue licenses to individuals credentialed in those states that have successfully fulfilled the requirements of RCW 18.250.080;

(i) Hire clerical, administrative, and investigative staff as needed to implement and administer this chapter;

(j) Maintain the official department record of all applicants and licensees; and

(k) Establish requirements and procedures for an inactive license.

(2) The uniform disciplinary act, chapter 18.130 RCW, governs unlicensed practice, the issuance and denial of licenses, and the discipline of licensees under this chapter.

Sec. 44. RCW 18.250.060 and 2007 c 253 s 7 are each amended to read as follows:

An applicant for an athletic trainer license must:

(1) Have received a bachelor's or advanced degree from an accredited four-year college or university that meets the academic standards of athletic training, accepted by the secretary(~~(-as advised by the committee)~~);

(2) Have successfully completed an examination administered or approved by the secretary(~~(-in consultation with the committee)~~); and

(3) Submit an application on forms prescribed by the secretary and pay the licensure fee required under this chapter.

Basic Health Advisory Committee

Sec. 45. RCW 70.47.040 and 1993 c 492 s 211 are each amended to read as follows:

(1) The Washington basic health plan is created as a program within the Washington state health care authority. The administrative head and appointing authority of the plan shall be the administrator of the Washington state health care authority. The administrator shall appoint a medical director. The medical

ONE HUNDRED SECOND DAY, APRIL 23, 2009

director and up to five other employees of the plan shall be exempt from the civil service law, chapter 41.06 RCW.

(2) The administrator shall employ such other staff as are necessary to fulfill the responsibilities and duties of the administrator, such staff to be subject to the civil service law, chapter 41.06 RCW. In addition, the administrator may contract with third parties for services necessary to carry out its activities where this will promote economy, avoid duplication of effort, and make best use of available expertise. Any such contractor or consultant shall be prohibited from releasing, publishing, or otherwise using any information made available to it under its contractual responsibility without specific permission of the plan. The administrator may call upon other agencies of the state to provide available information as necessary to assist the administrator in meeting its responsibilities under this chapter, which information shall be supplied as promptly as circumstances permit.

(3) The administrator may appoint such technical or advisory committees as he or she deems necessary. ~~((The administrator shall appoint a standing technical advisory committee that is representative of health care professionals, health care providers, and those directly involved in the purchase, provision, or delivery of health care services, as well as consumers and those knowledgeable of the ethical issues involved with health care public policy. Individuals appointed to any technical or other advisory committee shall serve without compensation for their services as members, but may be reimbursed for their travel expenses pursuant to RCW 43.03.050 and 43.03.060.))~~

(4) The administrator may apply for, receive, and accept grants, gifts, and other payments, including property and service, from any governmental or other public or private entity or person, and may make arrangements as to the use of these receipts, including the undertaking of special studies and other projects relating to health care costs and access to health care.

(5) Whenever feasible, the administrator shall reduce the administrative cost of operating the program by adopting joint policies or procedures applicable to both the basic health plan and employee health plans.

Children of Incarcerated Parents Advisory Committee

NEW SECTION. **Sec. 46.** RCW 43.63A.068 (Advisory committee on policies and programs for children and families with incarcerated parents—Funding for programs and services) and 2007 c 384 s 6 are each repealed.

Sec. 47. RCW 28A.300.520 and 2007 c 384 s 5 are each amended to read as follows:

(1) The superintendent of public instruction shall review current policies and assess the adequacy and availability of programs targeted at children who have a parent who is incarcerated in a department of corrections facility. The superintendent of public instruction shall adopt policies that support the children of incarcerated parents and meet their needs with the goal of facilitating normal child development, including maintaining adequate academic progress, while reducing intergenerational incarceration.

(2) ~~((The superintendent shall conduct the following activities))~~ To assist in implementing the requirements of subsection (1) of this section(~~(:~~
~~—(a)), the superintendent shall gather information and data on the children who are the children of inmates incarcerated in department of corrections facilities(~~(:~~ and~~
~~—(b) Participate in the children of incarcerated parents advisory committee and report information obtained under this section to the advisory committee).~~

Sec. 48. RCW 43.215.065 and 2007 c 384 s 4 are each amended to read as follows:

(1)(a) The director of the department of early learning shall review current department policies and assess the adequacy and availability of programs targeted at persons who receive

2009 REGULAR SESSION

assistance who are the children and families of a person who is incarcerated in a department of corrections facility. Great attention shall be focused on programs and policies affecting foster youth who have a parent who is incarcerated.

(b) The director shall adopt policies that support the children of incarcerated parents and meet their needs with the goal of facilitating normal child development, while reducing intergenerational incarceration.

(2) ~~((The director shall conduct the following activities))~~ To assist in implementing the requirements of subsection (1) of this section(~~(:~~

~~—(a)), the director shall gather information and data on the recipients of assistance who are the children and families of inmates incarcerated in department of corrections facilities(~~(:~~ and~~

~~—(b) Participate in the children of incarcerated parents advisory committee and report information obtained under this section to the advisory committee).~~

Sec. 49. RCW 72.09.495 and 2007 c 384 s 2 are each amended to read as follows:

(1) The secretary of corrections shall review current department policies and assess the following:

(a) The impact of existing policies on the ability of offenders to maintain familial contact and engagement between inmates and children; and

(b) The adequacy and availability of programs targeted at inmates with children.

(2) The secretary shall adopt policies that encourage familial contact and engagement between inmates and their children with the goal of reducing recidivism and intergenerational incarceration. Programs and policies should take into consideration the children's need to maintain contact with his or her parent and the inmate's ability to develop plans to financially support their children, assist in reunification when appropriate, and encourage the improvement of parenting skills where needed.

(3) The department shall conduct the following activities to assist in implementing the requirements of subsection (1) of this section:

(a) Gather information and data on the families of inmates, particularly the children of incarcerated parents; and

(b) Evaluate data to determine the impact on recidivism and intergenerational incarceration(~~(:~~ and

~~—(c) Participate in the children of incarcerated parents advisory committee and report information obtained under this section to the advisory committee).~~

Sec. 50. RCW 74.04.800 and 2007 c 384 s 3 are each amended to read as follows:

(1)(a) The secretary of social and health services shall review current department policies and assess the adequacy and availability of programs targeted at persons who receive services through the department who are the children and families of a person who is incarcerated in a department of corrections facility. Great attention shall be focused on programs and policies affecting foster youth who have a parent who is incarcerated.

(b) The secretary shall adopt policies that encourage familial contact and engagement between inmates of the department of corrections facilities and their children with the goal of facilitating normal child development, while reducing recidivism and intergenerational incarceration. Programs and policies should take into consideration the children's need to maintain contact with his or her parent, the inmate's ability to develop plans to financially support their children, assist in reunification when appropriate, and encourage the improvement of parenting skills where needed. The programs and policies should also meet the needs of the child while the parent is incarcerated.

(2) ~~((The secretary shall conduct the following activities))~~ To assist in implementing the requirements of subsection (1) of this section(~~(:~~

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

~~—(a)), the secretary shall gather information and data on the recipients of public assistance, or children in the care of the state under chapter 13.34 RCW, who are the children and families of inmates incarcerated in department of corrections facilities(;~~

~~and~~
~~—(b) Participate in the children of incarcerated parents advisory committee and report information obtained under this section to the advisory committee).~~

Children's Services Advisory Committee

Sec. 51. RCW 74.13.031 and 2008 c 267 s 6 are each amended to read as follows:

The department shall have the duty to provide child welfare services and shall:

(1) Develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of runaway, dependent, or neglected children.

(2) Within available resources, recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, teens, pregnant and parenting teens, and annually report to the governor and the legislature concerning the department's success in: (a) Meeting the need for adoptive and foster home placements; (b) reducing the foster parent turnover rate; (c) completing home studies for legally free children; and (d) implementing and operating the passport program required by RCW 74.13.285. The report shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

(3) Investigate complaints of any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, or sexual abuse or exploitation, or that presents an imminent risk of serious harm, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency. An investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If the investigation reveals that a crime against a child may have been committed, the department shall notify the appropriate law enforcement agency.

(4) Offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(5) Monitor placements of children in out-of-home care and in-home dependencies to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010. The policy for monitoring placements under this section shall require that children in out-of-home care and in-home dependencies and their caregivers receive a private and individual face-to-face visit each month.

(a) The department shall conduct the monthly visits with children and caregivers required under this section unless the child's placement is being supervised under a contract between the department and a private agency accredited by a national child welfare accrediting entity, in which case the private agency shall, within existing resources, conduct the monthly visits with the child and with the child's caregiver according to the standards described in this subsection and shall provide the department with a written report of the visits within fifteen days of completing the visits.

(b) In cases where the monthly visits required under this subsection are being conducted by a private agency, the department shall conduct a face-to-face health and safety visit with the child at least once every ninety days.

(6) Have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, to provide for the routine and necessary medical, dental, and mental health care, or necessary emergency care of the children, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

(7) Have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(8) Have authority to purchase care for children; and shall follow in general the policy of using properly approved private agency services for the actual care and supervision of such children insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department.

~~(9) ((Establish a children's services advisory committee which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care agencies, adoption, and services related thereto. At least one member shall represent the adoption community.~~

~~—(10))~~(a) Have authority to provide continued foster care or group care as needed to participate in or complete a high school or vocational school program.

(b)(i) Beginning in 2006, the department has the authority to allow up to fifty youth reaching age eighteen to continue in foster care or group care as needed to participate in or complete a posthigh school academic or vocational program, and to receive necessary support and transition services.

(ii) In 2007 and 2008, the department has the authority to allow up to fifty additional youth per year reaching age eighteen to remain in foster care or group care as provided in (b)(i) of this subsection.

(iii) A youth who remains eligible for such placement and services pursuant to department rules may continue in foster care or group care until the youth reaches his or her twenty-first birthday. Eligibility requirements shall include active enrollment in a posthigh school academic or vocational program and maintenance of a 2.0 grade point average.

~~((11))~~ (10) Refer cases to the division of child support whenever state or federal funds are expended for the care and maintenance of a child, including a child with a developmental disability who is placed as a result of an action under chapter 13.34 RCW, unless the department finds that there is good cause not to pursue collection of child support against the parent or parents of the child. Cases involving individuals age eighteen through twenty shall not be referred to the division of child support unless required by federal law.

~~((12))~~ (11) Have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order; and the purchase of such care shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and 74.13.032 through 74.13.036, or of this section all services to be provided by the department of social and health services under subsections (4), (6), and (7) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

~~((+3))~~ (12) Within amounts appropriated for this specific purpose, provide preventive services to families with children that prevent or shorten the duration of an out-of-home placement.

~~((+4))~~ (13) Have authority to provide independent living services to youths, including individuals who have attained eighteen years of age, and have not attained twenty-one years of age who are or have been in foster care.

~~((+5))~~ (14) Consult at least quarterly with foster parents, including members of the foster parent association of Washington state, for the purpose of receiving information and comment regarding how the department is performing the duties and meeting the obligations specified in this section and RCW 74.13.250 and 74.13.320 regarding the recruitment of foster homes, reducing foster parent turnover rates, providing effective training for foster parents, and administering a coordinated and comprehensive plan that strengthens services for the protection of children. Consultation shall occur at the regional and statewide levels.

Sec. 52. RCW 74.15.030 and 2007 c 387 s 5 and 2007 c 17 s 14 are each reenacted and amended to read as follows:

The secretary shall have the power and it shall be the secretary's duty:

(1) ~~(In consultation with the children's services advisory committee, and)~~ With the advice and assistance of persons representative of the various type agencies to be licensed, to designate categories of facilities for which separate or different requirements shall be developed as may be appropriate whether because of variations in the ages, sex and other characteristics of persons served, variations in the purposes and services offered or size or structure of the agencies to be licensed hereunder, or because of any other factor relevant thereto;

(2) ~~(In consultation with the children's services advisory committee, and)~~ With the advice and assistance of persons representative of the various type agencies to be licensed, to adopt and publish minimum requirements for licensing applicable to each of the various categories of agencies to be licensed.

The minimum requirements shall be limited to:

(a) The size and suitability of a facility and the plan of operation for carrying out the purpose for which an applicant seeks a license;

(b) Obtaining background information and any out-of-state equivalent, to determine whether the applicant or service provider is disqualified and to determine the character, competence, and suitability of an agency, the agency's employees, volunteers, and other persons associated with an agency;

(c) Conducting background checks for those who will or may have unsupervised access to children, expectant mothers, or individuals with a developmental disability;

(d) Obtaining child protective services information or records maintained in the department case management information system. No unfounded allegation of child abuse or neglect as defined in RCW 26.44.020 may be disclosed to a child-placing agency, private adoption agency, or any other provider licensed under this chapter;

(e) Submitting a fingerprint-based background check through the Washington state patrol under chapter 10.97 RCW and through the federal bureau of investigation for:

(i) Agencies and their staff, volunteers, students, and interns when the agency is seeking license or relicensure;

(ii) Foster care and adoption placements; and

(iii) Any adult living in a home where a child may be placed;

(f) If any adult living in the home has not resided in the state of Washington for the preceding five years, the department shall review any child abuse and neglect registries maintained by any state where the adult has resided over the preceding five years;

(g) The cost of fingerprint background check fees will be paid as required in RCW 43.43.837;

(h) National and state background information must be used solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children or expectant mothers;

(i) The number of qualified persons required to render the type of care and treatment for which an agency seeks a license;

(j) The safety, cleanliness, and general adequacy of the premises to provide for the comfort, care and well-being of children, expectant mothers or developmentally disabled persons;

(k) The provision of necessary care, including food, clothing, supervision and discipline; physical, mental and social well-being; and educational, recreational and spiritual opportunities for those served;

(l) The financial ability of an agency to comply with minimum requirements established pursuant to chapter 74.15 RCW and RCW 74.13.031; and

(m) The maintenance of records pertaining to the admission, progress, health and discharge of persons served;

(3) To investigate any person, including relatives by blood or marriage except for parents, for character, suitability, and competence in the care and treatment of children, expectant mothers, and developmentally disabled persons prior to authorizing that person to care for children, expectant mothers, and developmentally disabled persons. However, if a child is placed with a relative under RCW 13.34.065 or 13.34.130, and if such relative appears otherwise suitable and competent to provide care and treatment the criminal history background check required by this section need not be completed before placement, but shall be completed as soon as possible after placement;

(4) On reports of alleged child abuse and neglect, to investigate agencies in accordance with chapter 26.44 RCW, including child day-care centers and family day-care homes, to determine whether the alleged abuse or neglect has occurred, and whether child protective services or referral to a law enforcement agency is appropriate;

(5) To issue, revoke, or deny licenses to agencies pursuant to chapter 74.15 RCW and RCW 74.13.031. Licenses shall specify the category of care which an agency is authorized to render and the ages, sex and number of persons to be served;

(6) To prescribe the procedures and the form and contents of reports necessary for the administration of chapter 74.15 RCW and RCW 74.13.031 and to require regular reports from each licensee;

(7) To inspect agencies periodically to determine whether or not there is compliance with chapter 74.15 RCW and RCW 74.13.031 and the requirements adopted hereunder;

(8) To review requirements adopted hereunder at least every two years and to adopt appropriate changes after consultation with affected groups for child day-care requirements and ~~(with the children's services advisory committee)~~ for requirements for other agencies; and

(9) To consult with public and private agencies in order to help them improve their methods and facilities for the care of children, expectant mothers and developmentally disabled persons.

Sec. 53. RCW 74.15.050 and 1995 c 369 s 62 are each amended to read as follows:

The chief of the Washington state patrol, through the director of fire protection, shall have the power and it shall be his or her duty:

(1) ~~(In consultation with the children's services advisory committee and)~~ With the advice and assistance of persons representative of the various type agencies to be licensed, to adopt recognized minimum standard requirements pertaining to each category of agency established pursuant to chapter 74.15 RCW and RCW 74.13.031, except foster-family homes and

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

child-placing agencies, necessary to protect all persons residing therein from fire hazards;

(2) To make or cause to be made such inspections and investigations of agencies, other than foster-family homes or child-placing agencies, as he or she deems necessary;

(3) To make a periodic review of requirements under RCW 74.15.030(7) and to adopt necessary changes after consultation as required in subsection (1) of this section;

(4) To issue to applicants for licenses hereunder, other than foster-family homes or child-placing agencies, who comply with the requirements, a certificate of compliance, a copy of which shall be presented to the department of social and health services before a license shall be issued, except that ~~((a-provisional))~~ an initial license may be issued as provided in RCW 74.15.120.

Sec. 54. RCW 74.15.060 and 1991 c 3 s 376 are each amended to read as follows:

The secretary of health shall have the power and it shall be his or her duty:

~~((In consultation with the children's services advisory committee and))~~ With the advice and assistance of persons representative of the various type agencies to be licensed, to develop minimum requirements pertaining to each category of agency established pursuant to chapter 74.15 RCW and RCW 74.13.031, necessary to promote the health of all persons residing therein.

The secretary of health or the city, county, or district health department designated by the secretary shall have the power and the duty:

(1) To make or cause to be made such inspections and investigations of agencies as may be deemed necessary; and

(2) To issue to applicants for licenses hereunder who comply with the requirements adopted hereunder, a certificate of compliance, a copy of which shall be presented to the department of social and health services before a license shall be issued, except that ~~((a-provisional))~~ an initial license may be issued as provided in RCW 74.15.120.

Combined Fund Drive Committee

Sec. 55. RCW 41.04.033 and 2003 c 205 s 1 are each amended to read as follows:

The director of the department of personnel is authorized to adopt rules, after consultation with state agencies, institutions of higher education, and employee organizations ~~((to create a Washington state combined fund drive committee, and))~~ for the operation of the Washington state combined fund drive.

Sec. 56. RCW 41.04.0331 and 2003 c 205 s 2 are each amended to read as follows:

To operate the Washington state combined fund ~~((drive's powers and duties include))~~ drive program, the director of the department of personnel or his or her designee may but ~~((are))~~ is not limited to the following:

(1) Raising money for charity, and reducing the disruption to government caused by multiple fund drives;

(2) Establishing criteria by which a public or private nonprofit organization may participate in the combined fund drive;

(3) Engaging in or encouraging fund-raising activities including the solicitation and acceptance of charitable gifts, grants, and donations from state employees, retired public employees, corporations, foundations, and other individuals for the benefit of the beneficiaries of the Washington state combined fund drive;

(4) Requesting the appointment of employees from state agencies and institutions of higher education to lead and manage workplace charitable giving campaigns within state government;

(5) Engaging in educational activities, including classes, exhibits, seminars, workshops, and conferences, related to the basic purpose of the combined fund drive;

(6) Engaging in appropriate fund-raising and advertising activities for the support of the administrative duties of the Washington state combined fund drive; and

(7) Charging an administrative fee to the beneficiaries of the Washington state combined fund drive to fund the administrative duties of the Washington state combined fund drive.

Activities of the Washington state combined fund drive shall not result in direct commercial solicitation of state employees, or a benefit or advantage that would violate one or more provisions of chapter 42.52 RCW. This section does not authorize individual state agencies to enter into contracts or partnerships unless otherwise authorized by law.

Sec. 57. RCW 41.04.0332 and 2003 c 205 s 3 are each amended to read as follows:

~~The~~ ~~((Washington state combined fund drive committee))~~ department of personnel may enter into contracts and partnerships with private institutions, persons, firms, or corporations for the benefit of the beneficiaries of the Washington state combined fund drive. Activities of the Washington state combined fund drive shall not result in direct commercial solicitation of state employees, or a benefit or advantage that would violate one or more provisions of chapter 42.52 RCW. This section does not authorize individual state agencies to enter into contracts or partnerships unless otherwise authorized by law.

Board of Law Enforcement Training Standards and Board on Correctional Training Standards

NEW SECTION. Sec. 58. The following acts or parts of acts are each repealed:

(1) RCW 43.101.310 (Board on law enforcement training standards and education--Board on correctional training standards--Created--Purpose) and 1997 c 351 s 2;

(2) RCW 43.101.315 (Boards--Membership) and 1997 c 351 s 3;

(3) RCW 43.101.320 (Boards--Terms of members) and 1997 c 351 s 4;

(4) RCW 43.101.325 (Termination of membership upon termination of qualifying office or employment) and 1997 c 351 s 5;

(5) RCW 43.101.330 (Boards--Chairs--Quorum) and 1997 c 351 s 6;

(6) RCW 43.101.335 (Boards--Travel expenses) and 1997 c 351 s 7;

(7) RCW 43.101.340 (Boards--Powers--Report to commission) and 1997 c 351 s 8; and

(8) RCW 43.101.345 (Recommendations of boards--Review by commission) and 1997 c 351 s 9.

Sec. 59. RCW 43.101.380 and 2006 c 22 s 3 are each amended to read as follows:

(1) The procedures governing adjudicative proceedings before agencies under chapter 34.05 RCW, the administrative procedure act, govern hearings before the commission and govern all other actions before the commission unless otherwise provided in this chapter. The standard of proof in actions before the commission is clear, cogent, and convincing evidence.

(2) In all hearings requested under RCW 43.101.155, a five-member hearings panel shall both hear the case and make the commission's final administrative decision. Members of the commission ~~((or the board on law enforcement training standards and education))~~ may but need not be appointed to the hearings panels. The commission shall appoint as follows two or more panels to hear appeals from decertification actions:

(a) When a hearing is requested in relation to decertification of a Washington peace officer who is not a peace officer of the Washington state patrol, the commission shall appoint to the panel: (i) One police chief; (ii) one sheriff; (iii) two peace officers who are at or below the level of first line supervisor, who are from city or county law enforcement agencies, and who

ONE HUNDRED SECOND DAY, APRIL 23, 2009

have at least ten years' experience as peace officers; and (iv) one person who is not currently a peace officer and who represents a community college or four-year college or university.

(b) When a hearing is requested in relation to decertification of a peace officer of the Washington state patrol, the commission shall appoint to the panel: (i) Either one police chief or one sheriff; (ii) one administrator of the state patrol; (iii) one peace officer who is at or below the level of first line supervisor, who is from a city or county law enforcement agency, and who has at least ten years' experience as a peace officer; (iv) one state patrol officer who is at or below the level of first line supervisor, and who has at least ten years' experience as a peace officer; and (v) one person who is not currently a peace officer and who represents a community college or four-year college or university.

(c) When a hearing is requested in relation to decertification of a tribal police officer, the commission shall appoint to the panel (i) either one chief or one sheriff; (ii) one tribal police chief; (iii) one peace officer who is at or below the level of first line supervisor, who is from a city or county law enforcement agency, and who has at least ten years' experience as a peace officer; (iv) one tribal police officer who is at or below the level of first line supervisor, and who has at least ten years' experience as a peace officer; and (v) one person who is not currently a peace officer and who represents a community college or four-year college or university.

(d) Persons appointed to hearings panels by the commission shall, in relation to any decertification matter on which they sit, have the powers, duties, and immunities, and are entitled to the emoluments, including travel expenses in accordance with RCW 43.03.050 and 43.03.060, of regular commission members.

(3) Where the charge upon which revocation or denial is based is that a peace officer was "discharged for disqualifying misconduct," and the discharge is "final," within the meaning of RCW 43.101.105(1)(d), and the officer received a civil service hearing or arbitration hearing culminating in an affirming decision following separation from service by the employer, the hearings panel may revoke or deny certification if the hearings panel determines that the discharge occurred and was based on disqualifying misconduct; the hearings panel need not redetermine the underlying facts but may make this determination based solely on review of the records and decision relating to the employment separation proceeding. However, the hearings panel may, in its discretion, consider additional evidence to determine whether such a discharge occurred and was based on such disqualifying misconduct. The hearings panel shall, upon written request by the subject peace officer, allow the peace officer to present additional evidence of extenuating circumstances.

Where the charge upon which revocation or denial of certification is based is that a peace officer "has been convicted at any time of a felony offense" within the meaning of RCW 43.101.105(1)(c), the hearings panel shall revoke or deny certification if it determines that the peace officer was convicted of a felony. The hearings panel need not redetermine the underlying facts but may make this determination based solely on review of the records and decision relating to the criminal proceeding. However, the hearings panel shall, upon the panel's determination of relevancy, consider additional evidence to determine whether the peace officer was convicted of a felony.

Where the charge upon which revocation or denial is based is under RCW 43.101.105(1) (a), (b), (e), or (f), the hearings panel shall determine the underlying facts relating to the charge upon which revocation or denial of certification is based.

(4) The commission's final administrative decision is subject to judicial review under RCW 34.05.510 through 34.05.598.

Customer Advisory Board--Department of Information Services

2009 REGULAR SESSION

NEW SECTION. Sec. 60. RCW 43.105.055 (Advisory committees--Customer advisory board) and 1999 c 80 s 7 & 1987 c 504 s 9 are each repealed.

Sec. 61. RCW 43.105.052 and 2000 c 180 s 1 are each amended to read as follows:

The department 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 agencies and local governments and public benefit nonprofit corporations on a full cost-recovery basis. 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. 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) Establish rates and fees for services provided by the department to assure that the services component of the department is self-supporting. 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 ~~((customer advisory board))~~ 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 and the ~~((customer advisory board))~~ 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) With the advice of the information services board and agencies, develop a state strategic information technology plan and performance reports as required under RCW 43.105.160;

(5) Develop plans for the department'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 ~~((customer advisory board and 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

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

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;

(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

(13) Perform all other matters and things necessary to carry out the purposes and provisions of this chapter.

Early Intervention for Children who are Deaf and have Hearing Loss--Advisory Committee

NEW SECTION. **Sec. 62.** RCW 70.198.010 (Findings) and 2004 c 47 s 1 are each repealed.

Eastern State Hospital Board and Western State Hospital Board

Sec. 63. RCW 72.23.025 and 2006 c 333 s 204 are each amended to read as follows:

(1) It is the intent of the legislature to improve the quality of service at state hospitals, eliminate overcrowding, and more specifically define the role of the state hospitals. The legislature intends that eastern and western state hospitals shall become clinical centers for handling the most complicated long-term care needs of patients with a primary diagnosis of mental disorder. To this end, the legislature intends that funds appropriated for mental health programs, including funds for regional support networks and the state hospitals be used for persons with primary diagnosis of mental disorder. The legislature finds that establishment of ~~((the eastern state hospital board, the western state hospital board, and))~~ institutes for the study and treatment of mental disorders at both eastern state hospital and western state hospital will be instrumental in implementing the legislative intent.

~~(2)((a) The eastern state hospital board and the western state hospital board are each established. Members of the boards shall be appointed by the governor with the consent of the senate. Each board shall include:~~

~~— (i) The director of the institute for the study and treatment of mental disorders established at the hospital;~~

~~— (ii) One family member of a current or recent hospital resident;~~

~~— (iii) One consumer of services;~~

~~— (iv) One community mental health service provider;~~

~~— (v) Two citizens with no financial or professional interest in mental health services;~~

~~— (vi) One representative of the regional support network in which the hospital is located;~~

~~— (vii) One representative from the staff who is a physician;~~

~~— (viii) One representative from the nursing staff;~~

~~— (ix) One representative from the other professional staff;~~

~~— (x) One representative from the nonprofessional staff; and~~

~~— (xi) One representative of a minority community.~~

~~(b) At least one representative listed in (a)(viii), (ix), or (x) of this subsection shall be a union member.~~

~~(c) Members shall serve four-year terms. Members of the board shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060 and shall receive compensation as provided in RCW 43.03.240.~~

~~(3) The boards established under this section shall:~~

~~— (a) Monitor the operation and activities of the hospital;~~

~~— (b) Review and advise on the hospital budget;~~

~~— (c) Make recommendations to the governor and the legislature for improving the quality of service provided by the hospital;~~

~~— (d) Monitor and review the activities of the hospital in implementing the intent of the legislature set forth in this section; and~~

~~— (e) Consult with the secretary regarding persons the secretary may select as the superintendent of the hospital whenever a vacancy occurs.~~

~~(4)(a) There is established at eastern state hospital and western state hospital, institutes for the study and treatment of mental disorders. The institutes shall be operated by joint operating agreements between state colleges and universities and the department of social and health services. The institutes are intended to conduct training, research, and clinical program development activities that will directly benefit ~~((mentally ill))~~ persons with mental illness who are receiving treatment in Washington state by performing the following activities:~~

~~(i) Promote recruitment and retention of highly qualified professionals at the state hospitals and community mental health programs;~~

~~(ii) Improve clinical care by exploring new, innovative, and scientifically based treatment models for persons presenting particularly difficult and complicated clinical syndromes;~~

~~(iii) Provide expanded training opportunities for existing staff at the state hospitals and community mental health programs;~~

~~(iv) Promote bilateral understanding of treatment orientation, possibilities, and challenges between state hospital professionals and community mental health professionals.~~

~~(b) To accomplish these purposes the institutes may, within funds appropriated for this purpose:~~

~~(i) Enter joint operating agreements with state universities or other institutions of higher education to accomplish the placement and training of students and faculty in psychiatry, psychology, social work, occupational therapy, nursing, and other relevant professions at the state hospitals and community mental health programs;~~

~~(ii) Design and implement clinical research projects to improve the quality and effectiveness of state hospital services and operations;~~

~~(iii) Enter into agreements with community mental health service providers to accomplish the exchange of professional staff between the state hospitals and community mental health service providers;~~

~~(iv) Establish a student loan forgiveness and conditional scholarship program to retain qualified professionals at the state~~

ONE HUNDRED SECOND DAY, APRIL 23, 2009

hospitals and community mental health providers when the secretary has determined a shortage of such professionals exists.

(c) Notwithstanding any other provisions of law to the contrary, the institutes may enter into agreements with the department or the state hospitals which may involve changes in staffing necessary to implement improved patient care programs contemplated by this section.

(d) The institutes are authorized to seek and accept public or private gifts, grants, contracts, or donations to accomplish their purposes under this section.

Fire Protection Policy Board

Sec. 64. RCW 43.43.930 and 1995 c 369 s 14 are each amended to read as follows:

The legislature finds that fire protection services at the state level are provided by different, independent state agencies. This has resulted in a lack of a comprehensive state-level focus for state fire protection services, funding, and policy. The legislature further finds that the paramount duty of the state in fire protection services is to enhance the capacity of all local jurisdictions to assure that their personnel with fire suppression, prevention, inspection, origin and cause, and arson investigation responsibilities are adequately trained to discharge their responsibilities. It is the intent of the legislature to consolidate fire protection services into a single state agency ~~((and to create a state board with the responsibility of (1) establishing a comprehensive state policy regarding fire protection services and (2) advising the chief of the Washington state patrol and the director of fire protection on matters relating to their duties under state law))~~. It is also the intent of the legislature that the fire protection services program created herein will assist local fire protection agencies in program development without encroaching upon their historic autonomy. It is the further intent of the legislature that the fire protection services program be implemented incrementally to assure a smooth transition, to build local, regional, and state capacity, and to avoid undue burdens on jurisdictions with limited resources.

Sec. 65. RCW 43.43.938 and 1995 c 369 s 18 are each amended to read as follows:

(1) Wherever the term state fire marshal appears in the Revised Code of Washington or the Washington Administrative Code it shall mean the director of fire protection.

(2) The chief of the Washington state patrol shall appoint an officer who shall be known as the director of fire protection. ~~The ((board, after consulting with the)) chief of the Washington state patrol(;) shall prescribe qualifications for the position of director of fire protection. ((The board shall submit to the chief of the Washington state patrol a list containing the names of three persons whom the board believes meet its qualifications. If requested by the chief of the Washington state patrol, the board shall submit one additional list of three persons whom the board believes meet its qualifications. The appointment shall be from one of the lists of persons submitted by the board.))~~

(3) The director of fire protection may designate one or more deputies and may delegate to those deputies his or her duties and authorities as deemed appropriate.

(4) ~~The director of fire protection((; in accordance with the policies, objectives, and priorities of the fire protection policy board;)) shall prepare a biennial budget pertaining to fire protection services. Such biennial budget shall be submitted as part of the Washington state patrol's budget request.~~

(5) The director of fire protection(;) shall implement and administer, within constraints established by budgeted resources, ~~((the policies, objectives, and priorities of the board and))~~ all duties of the chief of the Washington state patrol that are to be carried out through the director of fire protection. Such administration shall include negotiation of agreements with the state board for community and technical colleges, the higher education coordinating board, and the state colleges and universities as provided in RCW ~~((43.63A.320))~~ 43.43.934.

2009 REGULAR SESSION

Programs covered by such agreements shall include, but not be limited to, planning curricula, developing and delivering instructional programs and materials, and using existing instructional personnel and facilities. Where appropriate, such contracts shall also include planning and conducting instructional programs at the state fire service training center.

(6) The chief of the Washington state patrol, through the director of fire protection, shall seek the advice of the board in carrying out his or her duties under law.

Sec. 66. RCW 43.43.962 and 2003 c 405 s 3 are each amended to read as follows:

~~The ((state fire protection policy board shall review and make recommendations to the chief on the refinement and maintenance of)) director of fire protection shall maintain and refine the Washington state fire services mobilization plan, which shall include the procedures to be used during fire and other emergencies for coordinating local, regional, and state fire jurisdiction resources. In carrying out this duty, the director of fire protection ((policy board)) shall consult with and solicit recommendations from representatives of state and local fire and emergency management organizations, regional fire defense boards, and the department of natural resources. The Washington state fire services mobilization plan shall be consistent with, and made part of, the Washington state comprehensive emergency management plan. The chief shall review the fire services mobilization plan as submitted by the director of fire protection ((policy board)), recommend changes that may be necessary, and approve the fire services mobilization plan for inclusion within the state comprehensive emergency management plan.~~

It is the responsibility of the chief to mobilize jurisdictions under the Washington state fire services mobilization plan. The state fire marshal shall serve as the state fire resources coordinator when the Washington state fire services mobilization plan is mobilized.

NEW SECTION. Sec. 67. The following acts or parts of acts are each repealed:

(1) RCW 43.43.932 (State fire protection policy board--Created--Members) and 2005 c 35 s 1, 1995 c 369 s 15, & 1986 c 266 s 55; and

(2) RCW 43.43.936 (State fire protection policy board--Advisory duties) and 1995 c 369 s 17, 1993 c 280 s 70, & 1986 c 266 s 57.

Sec. 68. RCW 43.43.934 and 2003 c 316 s 1 are each amended to read as follows:

~~((Except for matters relating to the statutory duties of the chief of the Washington state patrol that are to be carried out through)) The director of fire protection((; the board shall have the responsibility of developing a comprehensive state policy regarding fire protection services. In carrying out its duties, the board)) shall:~~

(1)(a) ~~((Adopt a state fire training and education master plan that allows to the maximum feasible extent for negotiated agreements:))~~ (i) With the state board for community and technical colleges ~~((to))~~, provide academic, vocational, and field training programs for the fire service; and (ii) with the higher education coordinating board and the state colleges and universities ~~((to))~~, provide instructional programs requiring advanced training, especially in command and management skills;

(b) ~~((Adopt minimum standards for each level of responsibility among personnel with fire suppression, prevention, inspection, and investigation responsibilities that assure continuing assessment of skills and are flexible enough to meet emerging technologies. With particular respect to training for fire investigations, the master plan shall encourage cross training in appropriate law enforcement skills. To meet special local needs, fire agencies may adopt more stringent requirements than those adopted by the state;))~~

~~((c))~~ Cooperate with the common schools, technical and community colleges, institutions of higher education, and any

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

department or division of the state, or of any county or municipal corporation in establishing and maintaining instruction in fire service training and education in accordance with any act of congress and legislation enacted by the legislature in pursuance thereof and in establishing, building, and operating training and education facilities.

Industrial fire departments and private fire investigators may participate in training and education programs under this chapter for a reasonable fee established by rule;

~~((f))~~ (c) Develop and adopt a master plan for constructing, equipping, maintaining, and operating necessary fire service training and education facilities subject to the provisions of chapter 43.19 RCW;

~~((e))~~ (d) Develop and adopt a master plan for the purchase, lease, or other acquisition of real estate necessary for fire service training and education facilities in a manner provided by law; and

~~((f))~~ (e) Develop and adopt a plan with a goal of providing firefighter one and wildland training, as defined by the board, to all firefighters in the state. Wildland training reimbursement will be provided if a fire protection district or a city fire department has and is fulfilling their interior attack policy or if they do not have an interior attack policy. The plan will include a reimbursement for fire protection districts and city fire departments of not less than three dollars for every hour of firefighter one or wildland training. The Washington state patrol shall not provide reimbursement for more than two hundred hours of firefighter one or wildland training for each firefighter trained.

(2) ~~(In addition to its responsibilities for fire service training, the board shall:~~

- ~~(a) Adopt a state fire protection master plan;~~
- ~~(b) Monitor fire protection in the state and develop objectives and priorities to improve fire protection for the state's citizens including: (i) The comprehensiveness of state and local inspections required by law for fire and life safety; (ii) the level of skills and training of inspectors, as well as needs for additional training; and (iii) the efforts of local, regional, and state inspection agencies to improve coordination and reduce duplication among inspection efforts;~~
- ~~(c) Establish and promote state arson control programs and ensure development of local arson control programs;~~
- ~~(d) Provide representation for local fire protection services to the governor in state-level fire protection planning matters such as, but not limited to, hazardous materials control;~~
- ~~(e) Recommend to the adjutant general rules on minimum information requirements of automatic location identification for the purposes of enhanced 911 emergency service;~~
- ~~(f) Seek and solicit grants, gifts, bequests, devises, and matching funds for use in furthering the objectives and duties of the board, and establish procedures for administering them;~~
- ~~(g)) (a) Promote mutual aid and disaster planning for fire services in this state;~~

~~((f))~~ (b) Assure the dissemination of information concerning the amount of fire damage including that damage caused by arson, and its causes and prevention; and

~~((f))~~ (c) Implement any legislation enacted by the legislature to meet the requirements of any acts of congress that apply to this section.

(3) In carrying out its statutory duties, the ~~(board)~~ office of the state fire marshal shall give particular consideration to the appropriate roles to be played by the state and by local jurisdictions with fire protection responsibilities. Any determinations on the division of responsibility shall be made in consultation with local fire officials and their representatives.

To the extent possible, the ~~(board)~~ office of the state fire marshal shall encourage development of regional units along compatible geographic, population, economic, and fire risk dimensions. Such regional units may serve to: (a) Reinforce coordination among state and local activities in fire service training, reporting, inspections, and investigations; (b) identify

areas of special need, particularly in smaller jurisdictions with inadequate resources; (c) assist the state in its oversight responsibilities; (d) identify funding needs and options at both the state and local levels; and (e) provide models for building local capacity in fire protection programs.

Sec. 69. RCW 38.52.530 and 2006 c 210 s 1 are each amended to read as follows:

The enhanced 911 advisory committee is created to advise and assist the state enhanced 911 coordinator in coordinating and facilitating the implementation and operation of enhanced 911 throughout the state. The director shall appoint members of the committee who represent diverse geographical areas of the state and include state residents who are members of the national emergency number association, the associated public communications officers Washington chapter, the Washington state fire chiefs association, the Washington association of sheriffs and police chiefs, the Washington state council of firefighters, the Washington state council of police officers, the Washington ambulance association, ~~(the state fire protection policy board,)~~ the Washington state firefighters association, the Washington state association of fire marshals, the Washington fire commissioners association, the Washington state patrol, the association of Washington cities, the Washington state association of counties, the utilities and transportation commission or commission staff, a representative of a voice over internet protocol company, and an equal number of representatives of large and small local exchange telephone companies and large and small radio communications service companies offering commercial mobile radio service in the state. This section expires December 31, 2011.

Sec. 70. RCW 49.26.120 and 1995 c 218 s 6 are each amended to read as follows:

(1) No person may assign any employee, contract with, or permit any individual or person to remove or encapsulate asbestos in any facility unless performed by a certified asbestos worker and under the direct, on-site supervision of a certified asbestos supervisor. In cases in which an employer conducts an asbestos abatement project in its own facility and by its own employees, supervision can be performed in the regular course of a certified asbestos supervisor's duties. Asbestos workers must have access to certified asbestos supervisors throughout the duration of the project.

(2) The department shall require persons undertaking asbestos projects to provide written notice to the department before the commencement of the project except as provided in RCW 49.26.125. The notice shall include a written description containing such information as the department requires by rule. The department may by rule allow a person to report multiple projects at one site in one report. The department shall by rule establish the procedure and criteria by which a person will be considered to have attempted to meet the prenotification requirement.

(3) The department shall consult with the ~~(state fire protection policy board,)~~ Washington state association of fire chiefs and may establish any additional policies and procedures for municipal fire department and fire district personnel who clean up sites after fires which have rendered it likely that asbestos has been or will be disturbed or released into the air.

Hazardous Substance Mixed Waste Advisory Board

NEW SECTION. Sec. 71. The following acts or parts of acts are each repealed:

(1) RCW 70.105E.070 (Disclosure of costs and clean-up budgets) and 2005 c 1 s 7; and

(2) RCW 70.105E.090 (Advisory board--Public involvement--Funding) and 2005 c 1 s 9.

**Health and Welfare Advisory Board
and Property and Liability Advisory Board**

ONE HUNDRED SECOND DAY, APRIL 23, 2009

NEW SECTION. Sec. 72. The following acts or parts of acts are each repealed:

(1) RCW 48.62.051 (Health and welfare advisory board--Creation--Membership--Duties) and 1991 sp.s. c 30 s 5; and

(2) RCW 48.62.041 (Property and liability advisory board--Creation--Membership--Duties) and 1991 sp.s. c 30 s 4.

Sec. 73. RCW 48.62.061 and 1991 sp.s. c 30 s 6 are each amended to read as follows:

The state risk manager (~~in consultation with the property and liability advisory board~~) shall adopt rules governing the management and operation of both individual and joint local government self-insurance programs covering property or liability risks. The state risk manager shall also adopt rules governing the management and operation of both individual and joint local government self-insured health and welfare benefits programs (~~in consultation with the health and welfare benefits advisory board~~). All rules shall be appropriate for the type of program and class of risk covered. The state risk manager's rules shall include:

(1) Standards for the management, operation, and solvency of self-insurance programs, including the necessity and frequency of actuarial analyses and claims audits;

(2) Standards for claims management procedures; and

(3) Standards for contracts between self-insurance programs and private businesses including standards for contracts between third-party administrators and programs.

Sec. 74. RCW 48.62.161 and 1991 sp.s. c 30 s 16 are each amended to read as follows:

(1) The state risk manager shall establish and charge an investigation fee in an amount necessary to cover the costs for the initial review and approval of a self-insurance program. The fee must accompany the initial submission of the plan of operation and management.

(2) The costs of subsequent reviews and investigations shall be charged to the self-insurance program being reviewed or investigated in accordance with the actual time and expenses incurred in the review or investigation.

(3) ~~(After the formation of the two advisory boards, each board may)~~ The state risk manager shall calculate, levy, and collect from each joint property and liability self-insurance program and each individual and joint health and welfare benefit program regulated by this chapter a start-up assessment to pay initial expenses and operating costs of ~~(the boards and)~~ the risk manager's office in administering this chapter. Any program failing to remit its assessment when due is subject to denial of permission to operate or to a cease and desist order until the assessment is paid.

Health Information Infrastructure Advisory Board

Sec. 75. RCW 41.05.035 and 2007 c 259 s 10 are each amended to read as follows:

(1) The administrator shall design and pilot a consumer-centric health information infrastructure and the first health record banks that will facilitate the secure exchange of health information when and where needed and shall:

(a) Complete the plan of initial implementation, including but not limited to determining the technical infrastructure for health record banks and the account locator service, setting criteria and standards for health record banks, and determining oversight of health record banks;

(b) Implement the first health record banks in pilot sites as funding allows;

(c) Involve health care consumers in meaningful ways in the design, implementation, oversight, and dissemination of information on the health record bank system; and

(d) Promote adoption of electronic medical records and health information exchange through continuation of the Washington health information collaborative, and by working with private payors and other organizations in restructuring

2009 REGULAR SESSION

reimbursement to provide incentives for providers to adopt electronic medical records in their practices.

~~(2) (The administrator may establish an advisory board, a stakeholder committee, and subcommittees to assist in carrying out the duties under this section. The administrator may reappoint health information infrastructure advisory board members to assure continuity and shall appoint any additional representatives that may be required for their expertise and experience.~~

~~(a) The administrator shall appoint the chair of the advisory board, chairs, and co-chairs of the stakeholder committee, if formed;~~

~~(b) Meetings of the board, stakeholder committee, and any advisory group are subject to chapter 42.30 RCW, the open public meetings act, including RCW 42.30.110(1)(i), which authorizes an executive session during a regular or special meeting to consider proprietary or confidential nonpublished information; and~~

~~(c) The members of the board, stakeholder committee, and any advisory group:~~

~~(i) Shall agree to the terms and conditions imposed by the administrator regarding conflicts of interest as a condition of appointment;~~

~~(ii) Are immune from civil liability for any official acts performed in good faith as members of the board, stakeholder committee, or any advisory group.~~

~~(3) Members of the board may be compensated for participation in accordance with a personal services contract to be executed after appointment and before commencement of activities related to the work of the board. Members of the stakeholder committee shall not receive compensation but shall be reimbursed under RCW 43.03.050 and 43.03.060.~~

~~(4) The administrator may work with public and private entities to develop and encourage the use of personal health records which are portable, interoperable, secure, and respectful of patients' privacy.~~

~~(5) (3) The administrator may enter into contracts to issue, distribute, and administer grants that are necessary or proper to carry out this section.~~

Higher Education Coordinating Board Advisory Council

NEW SECTION. Sec. 76. RCW 28B.76.100 (Advisory council) and 2007 c 458 s 103, 2004 c 275 s 2, & 1985 c 370 s 9 are each repealed.

Sec. 77. RCW 28B.76.280 and 2004 c 275 s 12 are each amended to read as follows:

(1) In consultation with the institutions of higher education and state education agencies, the board shall identify the data needed to carry out its responsibilities for policy analysis, accountability, program improvements, and public information. The primary goals of the board's data collection and research are to describe how students and other beneficiaries of higher education are being served; to support higher education accountability; and to assist state policymakers and institutions in making policy decisions.

(2) The board shall ~~(convene a research advisory group and shall collaborate with the group to)~~ identify the most cost-effective manner for the board to collect data or access existing data. The board shall ~~(work with the advisory group to)~~ develop research priorities, policies, and common definitions to maximize the reliability and consistency of data across institutions. ~~(The advisory group shall include representatives of public and independent higher education institutions and other state agencies, including the state board for community and technical colleges, the office of the superintendent of public instruction, the office of financial management, the employment security department, the workforce training and education coordinating board, and other agencies as appropriate.)~~

(3) Specific protocols shall be developed by the board ~~(and the advisory group)~~ to protect the privacy of individual student

ONE HUNDRED SECOND DAY, APRIL 23, 2009
 records while ensuring the availability of student data for legitimate research purposes.

2009 REGULAR SESSION

Home Inspector Advisory Licensing Board

NEW SECTION. **Sec. 78.** RCW 18.280.040 (Home inspector advisory licensing board) and 2008 c 119 s 4 are each repealed.

Sec. 79. RCW 18.280.010 and 2008 c 119 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) ("Board" means the home inspector advisory licensing board;

~~(2))~~ "Department" means the department of licensing.

~~(3))~~ (2) "Director" means the director of the department of licensing.

~~(4))~~ (3) "Entity" or "entities" means educational groups or organizations, national organizations or associations, or a national test organization.

~~(5))~~ (4) "Home inspection" means a professional examination of the current condition of a house.

~~(6))~~ (5) "Home inspector" means a person who carries out a noninvasive examination of the condition of a home, often in connection with the sale of that home, using special training and education to carry out the inspection.

~~(7))~~ (6) "Report" means a written report prepared and issued after a home inspection.

~~(8))~~ (7) "Wood destroying organism" means insects or fungi that consume, excavate, develop in, or otherwise modify the integrity of wood or wood products. "Wood destroying organism" includes but is not limited to carpenter ants, moisture ants, subterranean termites, dampwood termites, beetles in the family Anobiidae, and wood decay fungi, known as wood rot.

Sec. 80. RCW 18.280.030 and 2008 c 119 s 3 are each amended to read as follows:

A person licensed under this chapter is responsible for performing a visual and noninvasive inspection of the following readily accessible systems and components of a home and reporting on the general condition of those systems and components at the time of the inspection in his or her written report: The roof, foundation, exterior, heating system, air-conditioning system, structure, plumbing and electrical systems, and other aspects of the home as may be identified by the ~~(board)~~ director. The inspection must include looking for certain fire and safety hazards as defined by the ~~(board)~~ director. The standards of practice to be developed by the ~~(board)~~ director will be used as the minimum standards for an inspection. The duties of the home inspector with regard to wood destroying organisms are provided in RCW 18.280.190.

Sec. 81. RCW 18.280.050 and 2008 c 119 s 5 are each amended to read as follows:

The director has the following authority in administering this chapter:

(1) To adopt, amend, and rescind rules ~~(approved by the board)~~ as deemed necessary to carry out this chapter;

(2) To administer licensing examinations ~~(approved by the board)~~ and to adopt or recognize examinations prepared by other entities ~~(as approved by the board)~~;

(3) To adopt standards of professional conduct, practice, and ethics ~~(as approved by the board)~~; and

(4) To adopt fees as provided in RCW 43.24.086.

Sec. 82. RCW 18.280.060 and 2008 c 119 s 6 are each amended to read as follows:

The ~~(board)~~ director has the following authority in administering this chapter:

~~(1) (To establish rules, including board organization and assignment of terms, and meeting frequency and timing, for adoption by the director;~~

~~(2))~~ (2) To establish the minimum qualifications for licensing applicants as provided in this chapter;

~~(3))~~ (2) To approve the method of administration of examinations required by this chapter ~~(or by rule as established by the director)~~;

~~(4))~~ (3) To approve the content of or recognition of examinations prepared by other entities ~~(for adoption by the director)~~;

~~(5))~~ (4) To set the time and place of examinations ~~(with the approval of the director)~~; and

~~(6))~~ (5) To establish and review standards of professional conduct, practice, and ethics ~~(for adoption by the director. These)~~, which standards must address what constitutes certain fire and safety hazards as used in RCW 18.280.030.

Sec. 83. RCW 18.280.070 and 2008 c 119 s 7 are each amended to read as follows:

In order to become licensed as a home inspector, an applicant must submit the following to the department:

(1) An application on a form developed by the department;

(2) Proof of a minimum of one hundred twenty hours of classroom instruction approved by the ~~(board)~~ director;

(3) Proof of up to forty hours of field training supervised by a licensed home inspector;

(4) Evidence of successful passage of the written exam as required in RCW 18.280.080; and

(5) The fee in the amount set by the department.

Sec. 84. RCW 18.280.080 and 2008 c 119 s 8 are each amended to read as follows:

Applicants for licensure must pass an exam that is psychometrically valid, reliable, and legally defensible by the state. The exam is to be developed, maintained, and administered by the department. The ~~(board shall recommend to the)~~ director shall determine whether to use an exam that is prepared by a national entity. If an exam prepared by a national entity is used, a section specific to Washington shall be developed by the director and included as part of the entire exam.

Sec. 85. RCW 18.280.110 and 2008 c 119 s 11 are each amended to read as follows:

(1) As a condition of renewing a license under this chapter, a licensed home inspector shall present satisfactory evidence to the ~~(board)~~ director of having completed the continuing education requirements provided for in this section.

(2) Each applicant for license renewal shall complete at least twenty-four hours of instruction in courses approved by the ~~(board)~~ director every two years.

Sec. 86. RCW 18.280.120 and 2008 c 119 s 12 are each amended to read as follows:

(1) A licensed home inspector shall provide a written report of the home inspection to each person for whom the inspector performs a home inspection within a time period set by the ~~(board)~~ director in rule. The issues to be addressed in the report shall be set by the ~~(board)~~ director in rule.

(2) A licensed home inspector, or other licensed home inspectors or employees who work for the same company or for any company in which the home inspector has a financial interest, shall not, from the time of the inspection until one year from the date of the report, perform any work other than home inspection-related consultation on the home upon which he or she has performed a home inspection.

Sec. 87. RCW 18.280.130 and 2008 c 119 s 13 are each amended to read as follows:

(1) The director shall immediately suspend the license of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a child support order. If the person has continued to meet all other requirements for a license under this chapter during the suspension, reissuance of the license is automatic upon the ~~(board's)~~ director's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the child support order. The procedure in RCW 74.20A.320 is the exclusive administrative remedy for contesting the establishment of

ONE HUNDRED SECOND DAY, APRIL 23, 2009

noncompliance with a child support order, and suspension of a license under this subsection, and satisfies the requirements of RCW 34.05.422.

(2) The director(~~(, with the assistance of the board,)~~) shall establish by rule under what circumstances a home inspector license may be suspended or revoked. These circumstances shall be based upon accepted industry standards (~~(and the board's cumulative experience)~~).

(3) Any person aggrieved by a decision of the director under this section may appeal the decision as provided in chapter 34.05 RCW. The adjudicative proceeding shall be conducted under chapter 34.05 RCW by an administrative law judge appointed pursuant to RCW 34.12.030.

Industry Cluster Advisory Committee

Sec. 88. RCW 43.330.090 and 2007 c 228 s 201 are each amended to read as follows:

(1) The department shall work with private sector organizations, industry and cluster associations, federal agencies, state agencies that use a cluster-based approach to service delivery, local governments, local associate development organizations, and higher education and training institutions in the development of industry cluster-based strategies to diversify the economy, facilitate technology transfer and diffusion, and increase value-added production. The industry clusters targeted by the department may include, but are not limited to, aerospace, agriculture, food processing, forest products, marine services, health and biomedical, software, digital and interactive media, transportation and distribution, and microelectronics. The department shall, on a continuing basis, evaluate the potential return to the state from devoting additional resources to an industry cluster-based approach to economic development and identifying and assisting additional clusters. The department shall use information gathered in each service delivery region in formulating its industry cluster-based strategies and shall assist local communities in identifying regional industry clusters and developing industry cluster-based strategies.

(2)(a) The department shall promote, market, and encourage growth in the production of films and videos, as well as television commercials within the state; to this end the department is directed to assist in the location of a film and video production studio within the state.

(b) The department may, in carrying out its efforts to encourage film and video production in the state, solicit and receive gifts, grants, funds, fees, and endowments, in trust or otherwise, from tribal, local, or other governmental entities, as well as private sources, and may expend the same or any income therefrom for the encouragement of film and video production. All revenue received for such purposes shall be deposited into the film and video promotion account created in RCW 43.330.092.

(3) In assisting in the development of regional and statewide industry cluster-based strategies, the department's activities shall include, but are not limited to:

(a) Facilitating regional focus group discussions and conducting studies to identify industry clusters, appraise the current information linkages within a cluster, and identify issues of common concern within a cluster;

(b) Supporting industry and cluster associations, publications of association and cluster directories, and related efforts to create or expand the activities of industry and cluster associations;

(c) Administering a competitive grant program to fund activities designed to further regional cluster growth. In administering the program, the department shall work with (~~an industry cluster advisory committee with equal representation from~~) the workforce training and education coordinating board, the state board for community and technical colleges, the employment security department, business, and labor.

2009 REGULAR SESSION

(i) The (~~industry cluster advisory committee~~) department shall (~~recommend~~) seek recommendations on criteria for evaluating applications for grant funds and recommend applicants for receipt of grant funds.

(ii) Applicants must include organizations from at least two counties and participants from the local business community. Eligible organizations include, but are not limited to, local governments, economic development councils, chambers of commerce, federally recognized Indian tribes, workforce development councils, and educational institutions.

(iii) Applications must evidence financial participation of the partner organizations.

(iv) Priority shall be given to applicants which will use the grant funds to build linkages and joint projects, to develop common resources and common training, and to develop common research and development projects or facilities.

(v) The maximum amount of a grant is one hundred thousand dollars.

(vi) A maximum of one hundred thousand dollars total can go to King, Pierce, Kitsap, and Snohomish counties combined.

(vii) No more than ten percent of funds received for the grant program may be used by the department for administrative costs.

(4) As used in subsection (3) of this section, "industry cluster" means a geographic concentration of interdependent competitive firms that do business with each other. "Industry cluster" also includes firms that sell inside and outside of the geographic region as well as support firms that supply raw materials, components, and business services.

Integrated Justice Information Board

NEW SECTION. Sec. 89. The following acts or parts of acts are each repealed:

(1) RCW 10.98.200 (Findings--Intent) and 2005 c 274 s 208 & 2003 c 104 s 1;

(2) RCW 10.98.210 (Washington integrated justice information board--Members) and 2003 c 104 s 3;

(3) RCW 10.98.220 (Washington integrated justice information board--Meetings) and 2003 c 104 s 4;

(4) RCW 10.98.230 (Washington integrated justice information board--Powers and duties) and 2003 c 104 s 5; and

(5) RCW 10.98.240 (Washington integrated justice information board--Report) and 2003 c 104 s 6.

K-20 Educational Network Board K-20 Network Technical Steering Committee

NEW SECTION. Sec. 90. The following acts or parts of acts are each repealed:

(1) RCW 43.105.800 (K-20 educational network board) and 1999 c 285 s 2; and

(2) RCW 43.105.810 (K-20 network technical steering committee) and 1999 c 285 s 6.

Sec. 91. RCW 43.105.020 and 2003 c 18 s 2 are each amended to read as follows:

As used in this chapter, unless the context indicates otherwise, the following definitions shall apply:

(1) "Department" means the department of information services;

(2) "Board" means the information services board;

(3) "Committee" means the state interoperability executive committee;

(4) "Local governments" includes all municipal and quasi municipal corporations and political subdivisions, and all agencies of such corporations and subdivisions authorized to contract separately;

(5) "Director" means the director of the department;

(6) "Purchased services" means services provided by a vendor to accomplish routine, continuing, and necessary functions. This term includes, but is not limited to, services

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

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;

(7) "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;

(8) "Telecommunications" means the transmission of information by wire, radio, optical cable, electromagnetic, or other means;

(9) "Information" includes, but is not limited to, data, text, voice, and video;

(10) "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;

(11) "Information services" means data processing, telecommunications, office automation, and computerized information systems;

(12) "Equipment" means the machines, devices, and transmission facilities used in information processing, such as computers, word processors, terminals, telephones, wireless communications system facilities, cables, and any physical facility necessary for the operation of such equipment;

(13) "Information technology portfolio" or "portfolio" means a strategic management process documenting relationships between agency missions and information technology and telecommunications investments;

(14) "Oversight" means a process of comprehensive risk analysis and management designed to ensure optimum use of information technology resources and telecommunications;

(15) "Proprietary software" means that software offered for sale or license;

(16) "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 community, trade, and economic development under chapter 43.330 RCW;

(17) (~~"K-20 educational network board" or "K-20 board"~~) means the K-20 educational network board created in RCW 43.105.800;

~~(18) "K-20 network technical steering committee" or "committee" means the K-20 network technical steering committee created in RCW 43.105.810;~~

~~(19)) "K-20 network" means the network established in RCW 43.105.820;~~

~~((20))~~ (18) "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.

Sec. 92. RCW 43.105.041 and 2003 c 18 s 3 are each amended to read as follows:

(1) The board shall have the following powers and duties related to information services:

(a) To develop standards and procedures 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;

(b) To purchase, lease, rent, or otherwise acquire, dispose of, and maintain equipment, proprietary software, and purchased 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 equipment, proprietary software, and purchased services: PROVIDED, That, agencies and institutions of state government are expressly prohibited from acquiring or disposing of equipment, proprietary software, and purchased services without such delegation of authority. The acquisition and disposition of equipment, proprietary software, and purchased services is exempt from RCW 43.19.1919 and, as provided in RCW 43.19.1901, from the provisions of RCW 43.19.190 through 43.19.200. This subsection (1)(b) does not apply to the legislative branch;

(c) To develop statewide or interagency technical policies, standards, and procedures;

(d) 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;

(e) To provide direction concerning strategic planning goals and objectives for the state. The board shall seek input from the legislature and the judiciary;

(f) To develop and implement a process for the resolution of appeals by:

(i) Vendors concerning the conduct of an acquisition process by an agency or the department; or

(ii) A customer agency concerning the provision of services by the department or by other state agency providers;

(g) To establish policies for the periodic review by the department 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;

(h) To set its meeting schedules and convene at scheduled times, or meet at the request of a majority of its members, the chair, or the director; and

(i) To review and approve that portion of the department's budget requests that provides for support to the board.

(2) 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 board shall:

(a) Establish technical standards to facilitate electronic access to government information and interoperability of information systems, including wireless communications systems. Local governments are strongly encouraged to follow the standards established by the board; and

(b) Require agencies to consider electronic public access needs when planning new information systems or major upgrades of systems.

In developing these standards, the board is encouraged to include the state library, state archives, and appropriate representatives of state and local government.

(3)(a) The board(~~(, in consultation with the K-20 board,))~~ has the duty to govern, operate, 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; procurement of shared network services and equipment; and resolving user/provider disputes concerning technical matters. The board shall delegate general operational and technical oversight to the ((K-20

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

~~network technical steering committee~~) department as appropriate.

(b) The board has the authority to adopt rules under chapter 34.05 RCW to implement the provisions regarding the technical operations and conditions of use of the K-20 network.

Sec. 93. RCW 43.105.805 and 1999 c 285 s 3 are each amended to read as follows:

The ~~((K-20))~~ board has the following powers and duties:

(1) In cooperation with the educational sectors and other interested parties, to establish goals and measurable objectives for the network;

(2) 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;

(3) 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;

(4) To prepare and submit to the governor and the legislature a coordinated budget for network development, operation, and expansion. The budget shall include the recommendations of the ~~((K-20))~~ board on (a) 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, (b) annual copayments to be charged to public educational sector institutions and other public entities connected to the network, and (c) charges to nongovernmental entities connected to the network;

(5) To adopt and monitor the implementation of a methodology to evaluate the effectiveness of the network in achieving the educational goals and measurable objectives;

(6) To authorize the release of funds from the K-20 technology account under RCW 43.105.830 for network expenditures;

(7) 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 ~~((K-20))~~ board 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. ~~((However, the information services))~~ The board shall have sole responsibility for the implementation of enforcement procedures relating to technical conditions of use.

Sec. 94. RCW 43.105.820 and 1999 c 285 s 11 are each amended to read as follows:

The information services board shall prepare a technical plan for the design and construction of the K-20 telecommunication system. The board shall ensure that the technical plan adheres to the goals and objectives established under RCW 43.105.041. The board shall provide formal project approval and oversight during the development and implementation of the K-20 telecommunications network. In approving the plan, the board shall conduct a request for proposal process. The technical plan shall be developed in phases as follows:

(1) Phase one shall provide a telecommunication 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) Phase two shall provide for (a) connection to the 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 K-20 telecommunications oversight and policy committee, or as modified by the board; (b) distance education facilities and components for entities listed in subsections (1) and (2) of this section; and (c) connection for independent nonprofit institutions of higher education, provided that:

(i) The ~~((K-20))~~ board 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 network policies; and

(ii) The ~~((K-20))~~ board 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.

Livestock Identification Advisory Board

NEW SECTION. **Sec. 95.** RCW 16.57.015 (Livestock identification advisory board--Rule review--Fee setting) and 2003 c 326 s 3 & 1993 c 354 s 10 are each repealed.

Sec. 96. RCW 16.57.353 and 2004 c 233 s 1 are each amended to read as follows:

(1) The director may adopt rules:

(a) To support the agriculture industry in meeting federal requirements for the country-of-origin labeling of meat. Any requirements established under this subsection for country of origin labeling purposes shall be substantially consistent with and shall not exceed the requirements established by the United States department of agriculture; and

(b) ~~((In consultation with the livestock identification advisory board under RCW 16.57.015.))~~ To implement federal requirements for animal identification needed to trace the source of livestock for disease control and response purposes.

(2) The director may cooperate with and enter into agreements with other states and agencies of federal government to carry out such systems and to promote consistency of regulation.

McNeil Island Secure Community Transition Facility Operational Advisory Board

NEW SECTION. **Sec. 97.** RCW 71.09.320 (Transition facilities--Operational advisory boards) and 2001 2nd sp.s. c 12 s 220 are each repealed.

Nonhighway and Off-Road Vehicle Activities Advisory Committee

NEW SECTION. **Sec. 98.** RCW 46.09.280 (Nonhighway and off-road vehicle activities advisory committee) and 2007 c 241 s 19, 2004 c 105 s 8, 2003 c 185 s 1, & 1986 c 206 s 13 are each repealed.

Sec. 99. RCW 46.09.020 and 2007 c 241 s 13 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) ~~((“Advisory committee” means the nonhighway and off-road vehicle activities advisory committee established in RCW 46.09.280.~~

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

—((2)) "Board" means the recreation and conservation funding board established in RCW 79A.25.110.

((3)) (2) "Dealer" means a person, partnership, association, or corporation engaged in the business of selling off-road vehicles at wholesale or retail in this state.

((4)) (3) "Department" means the department of licensing.

((5)) (4) "Highway," for the purpose of this chapter only, means the entire width between the boundary lines of every roadway publicly maintained by the state department of transportation or any county or city with funding from the motor vehicle fund. A highway is generally capable of travel by a conventional two-wheel drive passenger automobile during most of the year and in use by such vehicles.

((6)) (5) "Motorized vehicle" means a vehicle that derives motive power from an internal combustion engine.

((7)) (6) "Nonhighway road" means any road owned or managed by a public agency or any private road for which the owner has granted an easement for public use for which appropriations from the motor vehicle fund were not used for (a) original construction or reconstruction in the last twenty-five years; or (b) maintenance in the last four years.

((8)) (7) "Nonhighway road recreation facilities" means recreational facilities that are adjacent to, or accessed by, a nonhighway road and intended primarily for nonhighway road recreational users.

((9)) (8) "Nonhighway road recreational user" means a person whose purpose for consuming fuel on a nonhighway road or off-road is primarily for nonhighway road recreational purposes, including, but not limited to, hunting, fishing, camping, sightseeing, wildlife viewing, picnicking, driving for pleasure, kayaking/canoeing, and gathering berries, firewood, mushrooms, and other natural products.

((10)) (9) "Nonhighway vehicle" means any motorized vehicle including an ORV when used for recreational purposes on nonhighway roads, trails, or a variety of other natural terrain.

Nonhighway vehicle does not include:

(a) Any vehicle designed primarily for travel on, over, or in the water;

(b) Snowmobiles or any military vehicles; or

(c) Any vehicle eligible for a motor vehicle fuel tax exemption or rebate under chapter 82.36 RCW while an exemption or rebate is claimed. This exemption includes but is not limited to farm, construction, and logging vehicles.

((11)) (10) "Nonmotorized recreational facilities" means recreational trails and facilities that are adjacent to, or accessed by, a nonhighway road and intended primarily for nonmotorized recreational users.

((12)) (11) "Nonmotorized recreational user" means a person whose purpose for consuming fuel on a nonhighway road or off-road is primarily for nonmotorized recreational purposes including, but not limited to, walking, hiking, backpacking, climbing, cross-country skiing, snowshoeing, mountain biking, horseback riding, and pack animal activities.

((13)) (12) "Off-road vehicle" or "ORV" means any nonstreet licensed vehicle when used for recreational purposes on nonhighway roads, trails, or a variety of other natural terrain. Such vehicles include, but are not limited to, all-terrain vehicles, motorcycles, four-wheel drive vehicles, and dune buggies.

((14)) (13) "Operator" means each person who operates, or is in physical control of, any nonhighway vehicle.

((15)) (14) "Organized competitive event" means any competition, advertised in advance through written notice to organized clubs or published in local newspapers, sponsored by recognized clubs, and conducted at a predetermined time and place.

((16)) (15) "ORV recreation facilities" include, but are not limited to, ORV trails, trailheads, campgrounds, ORV sports parks, and ORV use areas, designated for ORV use by the managing authority that are intended primarily for ORV recreational users.

((17)) (16) "ORV recreational user" means a person whose purpose for consuming fuel on nonhighway roads or off-road is primarily for ORV recreational purposes, including but not limited to riding an all-terrain vehicle, motorcycling, or driving a four-wheel drive vehicle or dune buggy.

((18)) (17) "ORV sports park" means a facility designed to accommodate competitive ORV recreational uses including, but not limited to, motocross racing, four-wheel drive competitions, and flat track racing. Use of ORV sports parks can be competitive or noncompetitive in nature.

((19)) (18) "ORV trail" means a multiple-use corridor designated by the managing authority and maintained for recreational use by motorized vehicles.

((20)) (19) "ORV use permit" means a permit issued for operation of an off-road vehicle under this chapter.

((21)) (20) "Owner" means the person other than the lienholder, having an interest in or title to a nonhighway vehicle, and entitled to the use or possession thereof.

((22)) (21) "Person" means any individual, firm, partnership, association, or corporation.

On-site Wastewater Treatment Systems Advisory Committee

NEW SECTION. Sec. 100. The following acts or parts of acts are each repealed:

(1) RCW 18.210.040 (Advisory committee) and 1999 c 263 s 5; and

(2) RCW 18.210.070 (Advisory committee--Duties) and 1999 c 263 s 8.

Sec. 101. RCW 18.210.010 and 1999 c 263 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) ("Advisory committee" means a group of individuals with broad knowledge and experience in the design, construction, and regulation of on-site wastewater treatment systems, appointed under this chapter to offer recommendations to the board and the director on the administration of the program established under this chapter.~~

—((2)) "Board" means the board of registration for professional engineers and land surveyors as defined in chapter 18.43 RCW.

((3)) (2) "Designer," "licensee," or "permit holder" means an individual authorized under this chapter to perform design services for on-site wastewater treatment systems.

((4)) (3) "Director" means the director of the Washington state department of licensing.

((5)) (4) "Engineer" means a professional engineer licensed under chapter 18.43 RCW.

((6)) (5) "Practice of engineering" has the meaning set forth in RCW 18.43.020(5).

((7)) (6) "On-site wastewater treatment system" means an integrated system of components that: Convey, store, treat, and/or provide subsurface soil treatment and disposal of wastewater effluent on the property where it originates or on adjacent or other property and includes piping, treatment devices, other accessories, and soil underlying the disposal component of the initial and reserve areas, for on-site wastewater treatment under three thousand five hundred gallons per day when not connected to a public sewer system.

((8)) (7) "On-site wastewater design" means the development of plans, details, specifications, instructions, or inspections by application of specialized knowledge in analysis of soils, on-site wastewater treatment systems, disposal methods, and technologies to create an integrated system of collection, transport, distribution, treatment, and disposal of on-site wastewater.

((9)) (8) "Local health jurisdiction" or "jurisdictional health department" means an administrative agency created under chapter 70.05, 70.08, or 70.46 RCW, that administers the

ONE HUNDRED SECOND DAY, APRIL 23, 2009

regulation and codes regarding on-site wastewater treatment systems.

~~((+0))~~ (9) "Practice permit" means an authorization to practice granted to an individual who designs on-site wastewater treatment systems and who has been authorized by a local health jurisdiction to practice on or before July 1, 2000.

~~((+1))~~ (10) "License" means a license to design on-site wastewater treatment systems under this chapter.

~~((+2))~~ (11) "Certificate of competency" means a certificate issued to employees of local health jurisdictions indicating that the certificate holder has passed the licensing examination required under this chapter.

Sec. 102. RCW 18.210.050 and 1999 c 263 s 6 are each amended to read as follows:

The director may:

~~(1) ((Appoint and reappoint members to the advisory committee, including temporary additional members, and remove committee members for just cause;~~

~~(2))~~ Employ administrative, clerical, and investigative staff as necessary to administer and enforce this chapter;

~~((3))~~ (2) Establish fees for applications, examinations, and renewals in accordance with chapter 43.24 RCW;

~~((+4))~~ (3) Issue practice permits and licenses to applicants who meet the requirements of this chapter; and

~~((5))~~ (4) Exercise rule-making authority to implement this section.

Sec. 103. RCW 18.210.060 and 2002 c 86 s 258 are each amended to read as follows:

~~((+))~~ The board may:

~~((+))~~ (1) Adopt rules to implement this chapter including, but not limited to, evaluation of experience, examinations, and scope and standards of practice;

~~((+))~~ (2) Administer licensing examinations; and

~~((+))~~ (3) Review and approve or deny initial and renewal license applications.

~~((2) The board shall consider recommendations of the advisory committee made in accordance with this chapter.))~~

On-site Sewage Disposal Systems Alternative Systems Technical Review Committee

NEW SECTION. Sec. 104. RCW 70.118.100 (Alternative systems--Technical review committee) and 1997 c 447 s 3 are each repealed.

Sec. 105. RCW 70.118.110 and 1997 c 447 s 5 are each amended to read as follows:

In order to assure that technical guidelines and standards keep pace with advancing technologies, the department of health in collaboration with ~~((the technical review committee;))~~ local health departments~~(5))~~ and other interested parties, must review and update as appropriate, the state guidelines and standards for alternative on-site sewage disposal every three years. The first review and update must be completed by January 1, 1999.

Organized Crime Advisory Board

NEW SECTION. Sec. 106. The following acts or parts of acts are each repealed:

(1) RCW 43.43.858 (Organized crime advisory board--Created--Membership--Meetings--Travel expenses) and 2000 c 38 s 1, 1987 c 65 s 1, 1980 c 146 s 14, 1975-'76 2nd ex.s. c 34 s 115, & 1973 1st ex.s. c 202 s 5;

(2) RCW 43.43.860 (Organized crime advisory board--Terms of members) and 1987 c 65 s 2, 1980 c 146 s 15, & 1973 1st ex.s. c 202 s 6;

(3) RCW 43.43.862 (Organized crime advisory board--Powers and duties) and 1973 1st ex.s. c 202 s 7;

(4) RCW 43.43.864 (Information to be furnished board--Security--Confidentiality) and 1973 1st ex.s. c 202 s 8;

2009 REGULAR SESSION

(5) RCW 10.29.030 (Appointment of statewide special inquiry judge--Procedure--Term--Confidentiality) and 2005 c 274 s 204 & 1980 c 146 s 3;

(6) RCW 10.29.040 (Scope of investigation and proceeding--Request for additional authority) and 1980 c 146 s 4;

(7) RCW 10.29.080 (Special prosecutor--Selection--Qualifications--Removal) and 1980 c 146 s 8; and

(8) RCW 10.29.090 (Operating budget--Contents--Audit) and 2005 c 274 s 205 & 1980 c 146 s 9.

Sec. 107. RCW 43.43.866 and 1980 c 146 s 16 are each amended to read as follows:

There shall be a fund known as the organized crime prosecution revolving fund which shall consist of such moneys as may be appropriated by law. The state treasurer shall be custodian of the revolving fund. Disbursements from the revolving fund shall be subject to budget approval given by the ~~((organized crime advisory board pursuant to RCW 10.29.090))~~ chief of the Washington state patrol, and may be made either on authorization of the governor or the governor's designee, or upon request of ~~((a majority of the members of the organized crime advisory board))~~ the chief of the Washington state patrol. In order to maintain an effective expenditure and revenue control, the organized crime prosecution 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 the fund.

Sec. 108. RCW 43.10.240 and 1985 c 251 s 1 are each amended to read as follows:

The attorney general shall annually report to the ~~((organized crime advisory board))~~ chief of the Washington state patrol a summary of the attorney general's investigative and criminal prosecution activity conducted pursuant to this chapter. Except to the extent the summary describes information that is a matter of public record, the information made available to the ~~((board))~~ chief of the Washington state patrol shall be given all necessary security protection in accordance with the terms and provisions of applicable laws and rules and shall not be revealed or divulged publicly or privately ~~((by members of the board)).~~

Orthotic and Prosthetics Advisory Committee

NEW SECTION. Sec. 109. RCW 18.200.060 (Advisory committee--Composition--Terms--Duties) and 1997 c 285 s 7 are each repealed.

Sec. 110. RCW 18.200.010 and 1997 c 285 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) ("Advisory committee" means the orthotics and prosthetics advisory committee.~~

~~(2))~~ "Department" means the department of health.

~~((3))~~ (2) "Secretary" means the secretary of health or the secretary's designee.

~~((+))~~ (3) "Orthotics" means the science and practice of evaluating, measuring, designing, fabricating, assembling, fitting, adjusting, or servicing, as well as providing the initial training necessary to accomplish the fitting of, an orthosis for the support, correction, or alleviation of neuromuscular or musculoskeletal dysfunction, disease, injury, or deformity. The practice of orthotics encompasses evaluation, treatment, and consultation. With basic observational gait and postural analysis, orthotists assess and design orthoses to maximize function and provide not only the support but the alignment necessary to either prevent or correct deformity or to improve the safety and efficiency of mobility or locomotion, or both. Orthotic practice includes providing continuing patient care in order to assess its effect on the patient's tissues and to assure proper fit and function of the orthotic device by periodic evaluation.

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

~~((5))~~ (4) "Orthotist" means a person licensed to practice orthotics under this chapter.

~~((6))~~ (5) "Orthosis" means a custom-fabricated, definitive brace or support that is designed for long-term use. Except for the treatment of scoliosis, orthosis does not include prefabricated or direct-formed orthotic devices, as defined in this section, or any of the following assistive technology devices: Commercially available knee orthoses used following injury or surgery; spastic muscle tone-inhibiting orthoses; upper extremity adaptive equipment; finger splints; hand splints; custom-made, leather wrist gauntlets; face masks used following burns; wheelchair seating that is an integral part of the wheelchair and not worn by the patient independent of the wheelchair; fabric or elastic supports; corsets; arch supports, also known as foot orthotics; low-temperature formed plastic splints; trusses; elastic hose; canes; crutches; cervical collars; dental appliances; and other similar devices as determined by the secretary, such as those commonly carried in stock by a pharmacy, department store, corset shop, or surgical supply facility. Prefabricated orthoses, also known as custom-fitted, or off-the-shelf, are devices that are manufactured as commercially available stock items for no specific patient. Direct-formed orthoses are devices formed or shaped during the molding process directly on the patient's body or body segment. Custom-fabricated orthoses, also known as custom-made orthoses, are devices designed and fabricated, in turn, from raw materials for a specific patient and require the generation of an image, form, or mold that replicates the patient's body or body segment and, in turn, involves the rectification of dimensions, contours, and volumes to achieve proper fit, comfort, and function for that specific patient.

~~((7))~~ (6) "Prosthetics" means the science and practice of evaluating, measuring, designing, fabricating, assembling, fitting, aligning, adjusting, or servicing, as well as providing the initial training necessary to accomplish the fitting of, a prosthesis through the replacement of external parts of a human body lost due to amputation or congenital deformities or absences. The practice of prosthetics also includes the generation of an image, form, or mold that replicates the patient's body or body segment and that requires rectification of dimensions, contours, and volumes for use in the design and fabrication of a socket to accept a residual anatomic limb to, in turn, create an artificial appendage that is designed either to support body weight or to improve or restore function or cosmesis, or both. Involved in the practice of prosthetics is observational gait analysis and clinical assessment of the requirements necessary to refine and mechanically fix the relative position of various parts of the prosthesis to maximize the function, stability, and safety of the patient. The practice of prosthetics includes providing continuing patient care in order to assess the prosthetic device's effect on the patient's tissues and to assure proper fit and function of the prosthetic device by periodic evaluation.

~~((8))~~ (7) "Prosthetist" means a person who is licensed to practice prosthetics under this chapter.

~~((9))~~ (8) "Prosthesis" means a definitive artificial limb that is alignable or articulated, or, in lower extremity applications, capable of weight bearing. Prosthesis means an artificial medical device that is not surgically implanted and that is used to replace a missing limb, appendage, or other external human body part including an artificial limb, hand, or foot. The term does not include artificial eyes, ears, fingers or toes, dental appliances, ostomy products, devices such as artificial breasts, eyelashes, wigs, or other devices as determined by the secretary that do not have a significant impact on the musculoskeletal functions of the body. In the lower extremity of the body, the term prosthesis does not include prostheses required for amputations distal to and including the transmetatarsal level. In the upper extremity of the body, the term prosthesis does not include prostheses that are provided to restore function for amputations distal to and including the carpal level.

~~((10))~~ (9) "Authorized health care practitioner" means licensed physicians, physician's assistants, osteopathic physicians, chiropractors, naturopaths, podiatric physicians and surgeons, dentists, and advanced registered nurse practitioners.

Sec. 111. RCW 18.200.050 and 1997 c 285 s 6 are each amended to read as follows:

In addition to other authority provided by law, the secretary has the authority to:

(1) Adopt rules under chapter 34.05 RCW necessary to implement this chapter;

(2) Establish administrative procedures, administrative requirements, and fees in accordance with RCW 43.70.250 and 43.70.280. All fees collected under this section must be credited to the health professions account as required under RCW 43.70.320;

(3) Register applicants, issue licenses to applicants who have met the education, training, and examination requirements for licensure, and deny licenses to applicants who do not meet the minimum qualifications, except that proceedings concerning the denial of credentials based upon unprofessional conduct or impairment are governed by the uniform disciplinary act, chapter 18.130 RCW;

(4) Hire clerical, administrative, investigative, and other staff as needed to implement this chapter and hire individuals licensed under this chapter to serve as examiners for any practical examinations;

(5) Determine minimum education requirements and evaluate and designate those educational programs from which graduation will be accepted as proof of eligibility to take a qualifying examination for applicants for licensure;

(6) Establish the standards and procedures for revocation of approval of education programs;

(7) Utilize or contract with individuals or organizations having expertise in the profession or in education to assist in the evaluations;

(8) Prepare and administer, or approve the preparation and administration of, examinations for applicants for licensure;

(9) Determine whether alternative methods of training are equivalent to formal education, and establish forms, procedures, and criteria for evaluation of an applicant's alternative training to determine the applicant's eligibility to take any qualifying examination;

(10) Determine which jurisdictions have licensing requirements equivalent to those of this state and issue licenses without examinations to individuals licensed in those jurisdictions;

(11) Define and approve any experience requirement for licensing;

(12) Implement and administer a program for consumer education;

(13) Adopt rules implementing continuing competency requirements for renewal of the license and relicensing;

(14) Maintain the official department records of all applicants and licensees;

(15) Establish by rule the procedures for an appeal of an examination failure;

(16) Establish requirements and procedures for an inactive license; and

(17) ~~((With the advice of the advisory committee, the secretary may))~~ Recommend collaboration with health professions, boards, and commissions to develop appropriate referral protocols.

Sec. 112. RCW 18.200.070 and 1997 c 285 s 8 are each amended to read as follows:

(1) An applicant must file a written application on forms provided by the department showing to the satisfaction of the secretary ~~((; in consultation with the advisory committee;))~~ that the applicant meets the following requirements:

(a) The applicant possesses a baccalaureate degree with coursework appropriate for the profession approved by the

ONE HUNDRED SECOND DAY, APRIL 23, 2009

secretary, or possesses equivalent training as determined by the secretary pursuant to subsections (3) and (5) of this section;

(b) The applicant has the amount of formal training, including the hours of classroom education and clinical practice, in areas of study as the secretary deems necessary and appropriate;

(c) The applicant has completed a clinical internship or residency in the professional area for which a license is sought in accordance with the standards, guidelines, or procedures for clinical internships or residencies inside or outside the state as established by the secretary, or that are otherwise substantially equivalent to the standards commonly accepted in the fields of orthotics and prosthetics as determined by the secretary pursuant to subsections (3) and (5) of this section. The secretary must set the internship as at least one year.

(2) An applicant for licensure as either an orthotist or prosthetist must pass all written and practical examinations that are required and approved by the secretary ~~((in consultation with the advisory committee)).~~

(3) The standards and requirements for licensure established by the secretary must be substantially equal to the standards commonly accepted in the fields of orthotics and prosthetics.

(4) An applicant failing to make the required grade in the first examination may take up to three subsequent examinations as the applicant desires upon prepaying a fee, determined by the secretary under RCW 43.70.250, for each subsequent examination. Upon failing four examinations, the secretary may invalidate the original application and require remedial education before the person may take future examinations.

(5) The secretary may waive some of the education, examination, or experience requirements of this section if the secretary determines that the applicant meets alternative standards, established by the secretary through rule, that are substantially equivalent to the requirements in subsections (1) and (2) of this section.

Oversight Committee on Character-Building Residential Services in Prisons

NEW SECTION. **Sec. 113.** RCW 72.09.800 (Comprehensive plan for character-building residential services in prisons--Establishment of oversight committee) and 2008 c 104 s 2 are each repealed.

Real Estate Appraiser Commission

NEW SECTION. **Sec. 114.** The following acts or parts of acts are each repealed:

(1) RCW 18.140.230 (Real estate appraiser commission--Establishment--Composition) and 2005 c 339 s 19 & 2000 c 249 s 3;

(2) RCW 18.140.240 (Commission/members--Duties and responsibilities) and 2000 c 249 s 4; and

(3) RCW 18.140.250 (Commission member's compensation) and 2000 c 249 s 5.

Sec. 115. RCW 18.140.010 and 2005 c 339 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) "Appraisal" means the act or process of estimating value; an estimate of value; or of or pertaining to appraising and related functions.

(2) "Appraisal report" means any communication, written or oral, of an appraisal, review, or consulting service in accordance with the standards of professional conduct or practice, adopted by the director, that is transmitted to the client upon completion of an assignment.

(3) "Appraisal assignment" means an engagement for which an appraiser is employed or retained to act, or would be perceived by third parties or the public as acting, as a disinterested third party in rendering an unbiased analysis,

2009 REGULAR SESSION

opinion, or conclusion relating to the value of specified interests in, or aspects of, identified real estate. The term "appraisal assignment" may apply to valuation work and analysis work.

(4) "Brokers price opinion" means an oral or written report of property value that is prepared by a real estate broker or salesperson licensed under chapter 18.85 RCW.

(5) "Client" means any party for whom an appraiser performs a service.

(6) ~~((("Commission" means the real estate appraiser commission of the state of Washington.~~

~~((7)))~~ "Comparative market analysis" means a brokers price opinion.

~~((8)))~~ (7) "Department" means the department of licensing.

~~((9)))~~ (8) "Director" means the director of the department of licensing.

~~((10)))~~ (9) "Expert review appraiser" means a state-certified or state-licensed real estate appraiser chosen by the director for the purpose of providing appraisal review assistance to the director.

~~((11)))~~ (10) "Federal department" means an executive department of the United States of America specifically concerned with housing finance issues, such as the department of housing and urban development, the department of veterans affairs, or their legal federal successors.

~~((12)))~~ (11) "Federal financial institutions regulatory agency" means the board of governors of the federal reserve system, the federal deposit insurance corporation, the office of the comptroller of the currency, the office of thrift supervision, the national credit union administration, their successors and/or such other agencies as may be named in future amendments to 12 U.S.C. Sec. 3350(6).

~~((13)))~~ (12) "Federal secondary mortgage marketing agency" means the federal national mortgage association, the government national mortgage association, the federal home loan mortgage corporation, their successors and/or such other similarly functioning housing finance agencies as may be federally chartered in the future.

~~((14)))~~ (13) "Federally related transaction" means any real estate-related financial transaction that the federal financial institutions regulatory agency or the resolution trust corporation engages in, contracts for, or regulates; and that requires the services of an appraiser.

~~((15)))~~ (14) "Financial institution" means any person doing business under the laws of this state or the United States relating to banks, bank holding companies, savings banks, trust companies, savings and loan associations, credit unions, consumer loan companies, and the affiliates, subsidiaries, and service corporations thereof.

~~((16)))~~ (15) "Mortgage broker" for the purpose of this chapter means a mortgage broker licensed under chapter 19.146 RCW, any mortgage broker approved and subject to audit by the federal national mortgage association, the government national mortgage association, or the federal home loan mortgage corporation as provided in RCW 19.146.020, any mortgage broker approved by the United States secretary of housing and urban development for participation in any mortgage insurance under the national housing act, 12 U.S.C. Sec. 1201, and the affiliates, subsidiaries, and service corporations thereof.

~~((17)))~~ (16) "Real estate" means an identified parcel or tract of land, including improvements, if any.

~~((18)))~~ (17) "Real estate-related financial transaction" means any transaction involving:

(a) The sale, lease, purchase, investment in, or exchange of real property, including interests in property, or the financing thereof;

(b) The refinancing of real property or interests in real property; and

(c) The use of real property or interests in property as security for a loan or investment, including mortgage-backed securities.

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

~~((19))~~ (18) "Real property" means one or more defined interests, benefits, or rights inherent in the ownership of real estate.

~~((20))~~ (19) "Review" means the act or process of critically studying an appraisal report prepared by another.

~~((21))~~ (20) "Specialized appraisal services" means all appraisal services that do not fall within the definition of appraisal assignment. The term "specialized appraisal service" may apply to valuation work and to analysis work. Regardless of the intention of the client or employer, if the appraiser would be perceived by third parties or the public as acting as a disinterested third party in rendering an unbiased analysis, opinion, or conclusion, the work is classified as an appraisal assignment and not a specialized appraisal service.

~~((22))~~ (21) "State-certified general real estate appraiser" means a person certified by the director to develop and communicate real estate appraisals of all types of property. A state-certified general real estate appraiser may designate or identify an appraisal rendered by him or her as a "certified appraisal."

~~((23))~~ (22) "State-certified residential real estate appraiser" means a person certified by the director to develop and communicate real estate appraisals of all types of residential property of one to four units without regard to transaction value or complexity and nonresidential property having a transaction value as specified in rules adopted by the director. A state certified residential real estate appraiser may designate or identify an appraisal rendered by him or her as a "certified appraisal."

~~((24))~~ (23) "State-licensed real estate appraiser" means a person licensed by the director to develop and communicate real estate appraisals of noncomplex one to four residential units and complex one to four residential units and nonresidential property having transaction values as specified in rules adopted by the director.

~~((25))~~ (24) "State-registered appraiser trainee," "trainee," or "trainee real estate appraiser" means a person registered by the director under RCW 18.140.280 to develop and communicate real estate appraisals under the immediate and personal direction of a state-certified real estate appraiser. Appraisals are limited to those types of properties that the supervisory appraiser is permitted by their current credential, and that the supervisory appraiser is competent and qualified to appraise. By signing the appraisal report, or being identified in the certification or addenda as having lent significant professional assistance, the state-registered appraiser trainee accepts total and complete individual responsibility for all content, analyses, and conclusions in the report.

~~((26))~~ (25) "Supervisory appraiser" means a person holding a currently valid certificate issued by the director as a state-certified real estate appraiser providing direct supervision to another state-certified, state-licensed, or state-registered appraiser trainee. The supervisory appraiser must be in good standing in each jurisdiction that he or she is credentialed. The supervisory appraiser must sign all appraisal reports. By signing the appraisal report, the supervisory appraiser accepts full responsibility for all content, analyses, and conclusions in the report.

Sec. 116. RCW 18.140.030 and 2005 c 339 s 4 are each amended to read as follows:

The director shall have the following powers and duties:

(1) To adopt rules in accordance with chapter 34.05 RCW necessary to implement this chapter and chapter 18.235 RCW(~~with the advice and approval of the commission~~);

(2) To receive and approve or deny applications for certification or licensure as a state-certified or state-licensed real estate appraiser and for registration as a state-registered appraiser trainee under this chapter; to establish appropriate administrative procedures for the processing of such applications; to issue certificates, licenses, or registrations to qualified applicants pursuant to the provisions of this chapter;

and to maintain a roster of the names and addresses of individuals who are currently certified, licensed, or registered under this chapter;

~~(3) (To provide administrative assistance to the members of and to keep records for the real estate appraiser commission;~~

~~(4) To solicit bids and enter into contracts with educational testing services or organizations for the preparation of questions and answers for certification or licensure examinations;~~

~~((5)) (4) To administer or contract for administration of certification or licensure examinations at locations and times as may be required to carry out the responsibilities under this chapter;~~

~~((6)) (5) To enter into contracts for professional services determined to be necessary for adequate enforcement of this chapter;~~

~~((7) To consider recommendations by the real estate appraiser commission relating to the experience, education, and examination requirements for each classification of state-certified appraiser and for licensure;~~

~~(8) To consider recommendations by the real estate appraiser commission relating to the educational requirements for the state-registered appraiser trainee classification;~~

~~(9) To consider recommendations by the real estate appraiser commission relating to the maximum number of state-registered appraiser trainees that each supervisory appraiser will be permitted to supervise;~~

~~(10) To consider recommendations by the real estate appraiser commission relating to continuing education requirements as a prerequisite to renewal of certification or licensure;~~

~~(11) To consider recommendations by the real estate appraiser commission relating to standards of professional appraisal conduct or practice in the enforcement of this chapter;~~

~~((12)) (6) To employ such professional, clerical, and technical assistance as may be necessary to properly administer the work of the director;~~

~~((13)) (7) To establish forms necessary to administer this chapter;~~

~~((14)) (8) To establish an expert review appraiser roster comprised of state-certified or licensed real estate appraisers whose purpose is to assist the director by applying their individual expertise by reviewing real estate appraisals for compliance with this chapter. Qualifications to act as an expert review appraiser shall be established by the director (~~with the advice of the commission~~). An application to serve as an expert review appraiser shall be submitted to the real estate appraiser program, and the roster of accepted expert review appraisers shall be maintained by the department. An expert review appraiser may be added to or deleted from that roster by the director. The expert review appraiser shall be reimbursed for expenses (~~in the same manner as~~) by the department (~~reimburses the commission~~); and~~

~~((15)) (9) To do all other things necessary to carry out the provisions of this chapter and minimally meet the requirements of federal guidelines regarding state certification or licensure of appraisers and registration of state-registered appraiser trainees that the director determines are appropriate for state-certified and state-licensed appraisers and state-registered appraiser trainees in this state.~~

Sec. 117. RCW 18.140.160 and 2007 c 256 s 1 are each amended to read as follows:

In addition to the unprofessional conduct described in RCW 18.235.130, the director may take disciplinary action for the following conduct, acts, or conditions:

(1) Failing to meet the minimum qualifications for state certification, licensure, or registration established by or pursuant to this chapter;

(2) Paying money other than the fees provided for by this chapter to any employee of the director (~~or the commission~~) to procure state certification, licensure, or registration under this chapter;

ONE HUNDRED SECOND DAY, APRIL 23, 2009

(3) Continuing to act as a state-certified real estate appraiser, state-licensed real estate appraiser, or state-registered appraiser trainee when his or her certificate, license, or registration is on an expired status;

(4) Violating any provision of this chapter or any lawful rule made by the director pursuant thereto;

(5) Issuing an appraisal report on any real property in which the appraiser has an interest unless his or her interest is clearly stated in the appraisal report;

(6) Being affiliated as an employer, independent contractor, or supervisory appraiser of a state-certified real estate appraiser, state-licensed real estate appraiser, or state-registered appraiser trainee whose certification, license, or registration is currently in a suspended or revoked status;

(7) Failure or refusal without good cause to exercise reasonable diligence in performing an appraisal practice under this chapter, including preparing an oral or written report to communicate information concerning an appraisal practice; and

(8) Negligence or incompetence in performing an appraisal practice under this chapter, including preparing an oral or written report to communicate information concerning an appraisal practice.

Sec. 118. RCW 18.140.170 and 2005 c 339 s 15 are each amended to read as follows:

The director may investigate the actions of a state-certified or state-licensed real estate appraiser or a state-registered appraiser trainee or an applicant for certification, licensure, or registration or recertification, relicensure, or reregistration. Upon receipt of information indicating that a state-certified or state-licensed real estate appraiser or state-registered appraiser trainee under this chapter may have violated this chapter, the director may cause one or more of the staff investigators to make an investigation of the facts to determine whether or not there is admissible evidence of any such violation. ~~((If technical assistance is required, a staff investigator may consult with one or more of the members of the commission.))~~

Regional Fisheries Enhancement Group Advisory Board

NEW SECTION. Sec. 119. The following acts or parts of acts are each repealed:

(1) RCW 77.95.110 (Regional fisheries enhancement group advisory board) and 2000 c 107 s 108; and

(2) RCW 77.95.120 (Regional fisheries enhancement group advisory board--Duties and authority) and 2000 c 107 s 109, 1998 c 96 s 1, & 1995 c 367 s 6.

Sec. 120. RCW 77.95.100 and 2000 c 107 s 107 are each amended to read as follows:

The department may provide start-up funds to regional fisheries enhancement groups for costs associated with any enhancement project. The ~~((regional fisheries enhancement group advisory board and the))~~ commission shall develop guidelines for providing funds to the regional fisheries enhancement groups.

Sec. 121. RCW 77.95.180 and 1995 c 367 s 3 are each amended to read as follows:

To maximize available state resources, the department and the department of transportation shall work in partnership ~~((with the regional fisheries enhancement group advisory board))~~ to identify cooperative projects to eliminate fish passage barriers caused by state roads and highways. ~~((The advisory board may provide input to the department to aid in identifying priority barrier removal projects that can be accomplished with the assistance of regional fisheries enhancement groups.))~~ The department of transportation shall provide engineering and other technical services to assist regional fisheries enhancement groups with fish passage barrier removal projects, provided that the barrier removal projects have been identified as a priority by the department of fish and wildlife and the department of transportation has received an appropriation to continue the fish barrier removal program.

2009 REGULAR SESSION

Sec. 122. RCW 77.95.190 and 1995 c 367 s 10 are each amended to read as follows:

The department shall ~~((coordinate with the regional fisheries enhancement group advisory board to))~~ field test coho and chinook salmon remote site incubators. The purpose of field testing efforts shall be to gather conclusive scientific data on the effectiveness of coho and chinook remote site incubators.

Revenue-Simplified Sales and Use Tax Admin Advisory Group

Sec. 123. RCW 82.58.020 and 2002 c 267 s 4 are each amended to read as follows:

~~((+))~~ For the purposes of reviewing or amending the agreement embodying the simplification requirements in RCW 82.58.050, the state shall enter into multistate discussions. For purposes of these discussions, the state shall be represented by the department. The governor may appoint up to four persons to consult with the department at these discussions. The persons advising the department shall not be compensated and are not entitled to payment of travel expenses by the state.

~~((2))~~ The department shall regularly consult with an advisory group composed of one member from each of the two largest caucuses of the senate, appointed by the majority and minority leaders of the senate; one member from each of the two largest caucuses of the house of representatives, appointed by the speaker and minority leader of the house of representatives; representatives of retailers, including those selling via mail, telephone, and the internet; representatives of large and small businesses; and representatives of counties and cities. The department shall use its best efforts to consult with the advisory group before any multistate discussions in which it is anticipated that amendments may be proposed to the agreement embodying the simplification requirements in RCW 82.58.050.)

State Solid Waste Advisory Committee

NEW SECTION. Sec. 124. The following acts or parts of acts are each repealed:

(1) RCW 70.95.040 (Solid waste advisory committee--Members--Meetings--Travel expenses--Governor's award of excellence.) and 1991 c 319 s 401, 1987 c 115 s 1, 1982 c 108 s 1, & 1977 c 10 s 1;

(2) RCW 70.95.050 (Solid waste advisory committee--Staff services and facilities) and 1969 ex.s. c 134 s 5;

(3) RCW 70.95.070 (Review of standards prior to adoption--Revisions, additions and modifications--Factors) and 1975-'76 2nd ex.s. c 41 s 4 & 1969 ex.s. c 134 s 7; and

(4) RCW 70.105.060 (Review of rules, regulations, criteria and fee schedules) and 1975-'76 2nd ex.s. c 101 s 6.

Sec. 125. RCW 70.95.030 and 2004 c 101 s 1 are each amended to read as follows:

As used in this chapter, unless the context indicates otherwise:

(1) "City" means every incorporated city and town.

(2) "Commission" means the utilities and transportation commission.

(3) ~~((Committee))~~ means the state solid waste advisory committee.

~~((4))~~ "Composted material" means organic solid waste that has been subjected to controlled aerobic degradation at a solid waste facility in compliance with the requirements of this chapter. Natural decay of organic solid waste under uncontrolled conditions does not result in composted material.

~~((5))~~ (4) "Department" means the department of ecology.

~~((6))~~ (5) "Director" means the director of the department of ecology.

~~((7))~~ (6) "Disposal site" means the location where any final treatment, utilization, processing, or deposit of solid waste occurs.

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

~~((8))~~ (7) "Energy recovery" means a process operating under federal and state environmental laws and regulations for converting solid waste into usable energy and for reducing the volume of solid waste.

~~((9))~~ (8) "Functional standards" means criteria for solid waste handling expressed in terms of expected performance or solid waste handling functions.

~~((10))~~ (9) "Incineration" means a process of reducing the volume of solid waste operating under federal and state environmental laws and regulations by use of an enclosed device using controlled flame combustion.

~~((11))~~ (10) "Inert waste landfill" means a landfill that receives only inert waste, as determined under RCW 70.95.065, and includes facilities that use inert wastes as a component of fill.

~~((12))~~ (11) "Jurisdictional health department" means city, county, city-county, or district public health department.

~~((13))~~ (12) "Landfill" means a disposal facility or part of a facility at which solid waste is placed in or on land and which is not a land treatment facility.

~~((14))~~ (13) "Local government" means a city, town, or county.

~~((15))~~ (14) "Modify" means to substantially change the design or operational plans including, but not limited to, removal of a design element previously set forth in a permit application or the addition of a disposal or processing activity that is not approved in the permit.

~~((16))~~ (15) "Multiple family residence" means any structure housing two or more dwelling units.

~~((17))~~ (16) "Person" means individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.

~~((18))~~ (17) "Recyclable materials" means those solid wastes that are separated for recycling or reuse, such as papers, metals, and glass, that are identified as recyclable material pursuant to a local comprehensive solid waste plan. Prior to the adoption of the local comprehensive solid waste plan, adopted pursuant to RCW 70.95.110(2), local governments may identify recyclable materials by ordinance from July 23, 1989.

~~((19))~~ (18) "Recycling" means transforming or remanufacturing waste materials into usable or marketable materials for use other than landfill disposal or incineration.

~~((20))~~ (19) "Residence" means the regular dwelling place of an individual or individuals.

~~((21))~~ (20) "Sewage sludge" means a semisolid substance consisting of settled sewage solids combined with varying amounts of water and dissolved materials, generated from a wastewater treatment system, that does not meet the requirements of chapter 70.95J RCW.

~~((22))~~ (21) "Soil amendment" means any substance that is intended to improve the physical characteristics of the soil, except composted material, commercial fertilizers, agricultural liming agents, unmanipulated animal manures, unmanipulated vegetable manures, food wastes, food processing wastes, and materials exempted by rule of the department, such as biosolids as defined in chapter 70.95J RCW and wastewater as regulated in chapter 90.48 RCW.

~~((23))~~ (22) "Solid waste" or "wastes" means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, and recyclable materials.

~~((24))~~ (23) "Solid waste handling" means the management, storage, collection, transportation, treatment, utilization, processing, and final disposal of solid wastes, including the recovery and recycling of materials from solid wastes, the recovery of energy resources from solid wastes or the conversion of the energy in solid wastes to more useful forms or combinations thereof.

~~((25))~~ (24) "Source separation" means the separation of different kinds of solid waste at the place where the waste originates.

~~((26))~~ (25) "Vehicle" includes every device physically capable of being moved upon a public or private highway, road, street, or watercourse and in, upon, or by which any person or property is or may be transported or drawn upon a public or private highway, road, street, or watercourse, except devices moved by human or animal power or used exclusively upon stationary rails or tracks.

~~((27))~~ (26) "Waste-derived soil amendment" means any soil amendment as defined in this chapter that is derived from solid waste as defined in ~~((RCW 70.95.030))~~ this section, but does not include biosolids or biosolids products regulated under chapter 70.95J RCW or wastewaters regulated under chapter 90.48 RCW.

~~((28))~~ (27) "Waste reduction" means reducing the amount or toxicity of waste generated or reusing materials.

~~((29))~~ (28) "Yard debris" means plant material commonly created in the course of maintaining yards and gardens, and through horticulture, gardening, landscaping, or similar activities. Yard debris includes but is not limited to grass clippings, leaves, branches, brush, weeds, flowers, roots, windfall fruit, vegetable garden debris, holiday trees, and tree prunings four inches or less in diameter.

Sec. 126. RCW 43.21A.520 and 1989 c 431 s 47 are each amended to read as follows:

(1) The department of ecology shall develop and implement an environmental excellence awards program that recognizes products that are produced, labeled, or packaged in a manner that helps ensure environmental protection. The award shall be in recognition of products that are made from recycled materials, easy to recycle, substitute for more hazardous products, or otherwise help protect the environment. Application for the award shall be voluntary. The awards may be made in a variety of product categories including, but not limited to:

- (a) Paint products;
- (b) Cleaning products;
- (c) Pest control products;
- (d) Automotive, marine, and related maintenance products;
- (e) Hobby and recreation products; and
- (f) Any other product available for retail or wholesale sale.

~~((2))~~ ~~((The state solid waste advisory committee shall establish an environmental excellence product award subcommittee to develop and recommend criteria for awarding environmental excellence awards for products. The subcommittee shall also review award applications and make recommendations to the department. The subcommittee shall consist of equal representation of: (a) Product manufacturing or other business representatives; (b) environmental representatives; (c) labor or consumer representatives; and (d) independent technical experts. Members of the subcommittee need not necessarily be regular members of the state solid waste advisory committee.~~

~~((3))~~ Products receiving an environmental excellence award pursuant to this section shall be entitled to display a logo or other symbol developed by the department to signify the award. Awards shall be given each year to as many products as qualify. The award logo may be displayed for a period to be determined by the department.

Sec. 127. RCW 70.105.010 and 1989 c 376 s 1 are each amended to read as follows:

The words and phrases defined in this section shall have the meanings indicated when used in this chapter unless the context clearly requires otherwise.

- (1) "Department" means the department of ecology.
- (2) "Director" means the director of the department of ecology or the director's designee.
- (3) "Disposal site" means a geographical site in or upon which hazardous wastes are disposed of in accordance with the provisions of this chapter.

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

(4) "Dispose or disposal" means the discarding or abandoning of hazardous wastes or the treatment, decontamination, or recycling of such wastes once they have been discarded or abandoned.

(5) "Dangerous wastes" means any discarded, useless, unwanted, or abandoned substances, including but not limited to certain pesticides, or any residues or containers of such substances which are disposed of in such quantity or concentration as to pose a substantial present or potential hazard to human health, wildlife, or the environment because such wastes or constituents or combinations of such wastes:

(a) Have short-lived, toxic properties that may cause death, injury, or illness or have mutagenic, teratogenic, or carcinogenic properties; or

(b) Are corrosive, explosive, flammable, or may generate pressure through decomposition or other means.

(6) "Extremely hazardous waste" means any dangerous waste which

(a) will persist in a hazardous form for several years or more at a disposal site and which in its persistent form

(i) presents a significant environmental hazard and may be concentrated by living organisms through a food chain or may affect the genetic make-up of man or wildlife, and

(ii) is highly toxic to man or wildlife

(b) if disposed of at a disposal site in such quantities as would present an extreme hazard to man or the environment.

(7) "Person" means any person, firm, association, county, public or municipal or private corporation, agency, or other entity whatsoever.

(8) "Pesticide" shall have the meaning of the term as defined in RCW 15.58.030 as now or hereafter amended.

~~(9) ("Solid waste advisory committee" means the same advisory committee as per RCW 70.95.040 through 70.95.070.~~

~~(10))~~ "Designated zone facility" means any facility that requires an interim or final status permit under rules adopted under this chapter and that is not a preempted facility as defined in this section.

~~((11))~~ (10) "Facility" means all contiguous land and structures, other appurtenances, and improvements on the land used for recycling, storing, treating, incinerating, or disposing of hazardous waste.

~~((12))~~ (11) "Preempted facility" means any facility that includes as a significant part of its activities any of the following operations: (a) Landfill, (b) incineration, (c) land treatment, (d) surface impoundment to be closed as a landfill, or (e) waste pile to be closed as a landfill.

~~((13))~~ (12) "Hazardous household substances" means those substances identified by the department as hazardous household substances in the guidelines developed under RCW 70.105.220.

~~((14))~~ (13) "Hazardous substances" means any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the characteristics or criteria of hazardous waste as described in rules adopted under this chapter.

~~((15))~~ (14) "Hazardous waste" means and includes all dangerous and extremely hazardous waste, including substances composed of both radioactive and hazardous components.

~~((16))~~ (15) "Local government" means a city, town, or county.

~~((17))~~ (16) "Moderate-risk waste" means (a) any waste that exhibits any of the properties of hazardous waste but is exempt from regulation under this chapter solely because the waste is generated in quantities below the threshold for regulation, and (b) any household wastes which are generated from the disposal of substances identified by the department as hazardous household substances.

~~((18))~~ (17) "Service charge" means an assessment imposed under RCW 70.105.280 against those facilities that store, treat, incinerate, or dispose of dangerous or extremely hazardous waste that contains both a nonradioactive hazardous component and a radioactive component. Service charges shall also apply to

facilities undergoing closure under this chapter in those instances where closure entails the physical characterization of remaining wastes which contain both a nonradioactive hazardous component and a radioactive component or the management of such wastes through treatment or removal, except any commercial low-level radioactive waste facility.

Sec. 128. RCW 70.105.160 and 1998 c 245 s 110 are each amended to read as follows:

The department shall conduct a study to determine the best management practices for categories of waste for the priority waste management methods established in RCW 70.105.150, with due consideration in the course of the study to sound environmental management and available technology. As an element of the study, the department shall review methods that will help achieve the priority of RCW 70.105.150(1)(a), waste reduction. Before issuing any proposed rules, the department shall conduct public hearings regarding the best management practices for the various waste categories studied by the department. After conducting the study, the department shall prepare new rules or modify existing rules as appropriate to promote implementation of the priorities established in RCW 70.105.150 for management practices which assure use of sound environmental management techniques and available technology. The preliminary study shall be completed by July 1, 1986, and the rules shall be adopted by July 1, 1987. ~~((The solid waste advisory committee shall review the studies and the new or modified rules.))~~

The studies shall be updated at least once every five years. The funding for these studies shall be from the hazardous waste control and elimination account, subject to legislative appropriation.

Water Supply Advisory Committee

NEW SECTION. **Sec. 129.** RCW 70.119A.160 (Water supply advisory committee) and 1998 c 245 s 112 & 1995 c 376 s 4 are each repealed.

Sec. 130. RCW 70.119A.180 and 2003 1st sp.s. c 5 s 7 are each amended to read as follows:

(1) It is the intent of the legislature that the department establish water use efficiency requirements designed to ensure efficient use of water while maintaining water system financial viability, improving affordability of supplies, and enhancing system reliability.

(2) The requirements of this section shall apply to all municipal water suppliers and shall be tailored to be appropriate to system size, forecasted system demand, and system supply characteristics.

(3) For the purposes of this section:

(a) Water use efficiency includes conservation planning requirements, water distribution system leakage standards, and water conservation performance reporting requirements; and

(b) "Municipal water supplier" and "municipal water supply purposes" have the meanings provided by RCW 90.03.015.

(4) To accomplish the purposes of this section, the department shall adopt rules necessary to implement this section by December 31, 2005. The department shall:

(a) Develop conservation planning requirements that ensure municipal water suppliers are: (i) Implementing programs to integrate conservation with water system operation and management; and (ii) identifying how to appropriately fund and implement conservation activities. Requirements shall apply to the conservation element of water system plans and small water system management programs developed pursuant to chapter 43.20 RCW. In establishing the conservation planning requirements the department shall review the current department conservation planning guidelines and include those elements that are appropriate for rule. Conservation planning requirements shall include but not be limited to:

(A) Selection of cost-effective measures to achieve a system's water conservation objectives. Requirements shall

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

allow the municipal water supplier to select and schedule implementation of the best methods for achieving its conservation objectives;

(B) Evaluation of the feasibility of adopting and implementing water delivery rate structures that encourage water conservation;

(C) Evaluation of each system's water distribution system leakage and, if necessary, identification of steps necessary for achieving water distribution system leakage standards developed under (b) of this subsection;

(D) Collection and reporting of water consumption and source production and/or water purchase data. Data collection and reporting requirements shall be sufficient to identify water use patterns among utility customer classes, where applicable, and evaluate the effectiveness of each system's conservation program. Requirements, including reporting frequency, shall be appropriate to system size and complexity. Reports shall be available to the public; and

(E) Establishment of minimum requirements for water demand forecast methodologies such that demand forecasts prepared by municipal water suppliers are sufficient for use in determining reasonably anticipated future water needs;

(b) Develop water distribution system leakage standards to ensure that municipal water suppliers are taking appropriate steps to reduce water system leakage rates or are maintaining their water distribution systems in a condition that results in leakage rates in compliance with the standards. Limits shall be developed in terms of percentage of total water produced and/or purchased and shall not be lower than ten percent. The department may consider alternatives to the percentage of total water supplied where alternatives provide a better evaluation of the water system's leakage performance. The department shall institute a graduated system of requirements based on levels of water system leakage. A municipal water supplier shall select one or more control methods appropriate for addressing leakage in its water system;

(c) Establish minimum requirements for water conservation performance reporting to assure that municipal water suppliers are regularly evaluating and reporting their water conservation performance. The objective of setting conservation goals is to enhance the efficient use of water by the water system customers. Performance reporting shall include:

(i) Requirements that municipal water suppliers adopt and achieve water conservation goals. The elected governing board or governing body of the water system shall set water conservation goals for the system. In setting water conservation goals the water supplier may consider historic conservation performance and conservation investment, customer base demographics, regional climate variations, forecasted demand and system supply characteristics, system financial viability, system reliability, and affordability of water rates. Conservation goals shall be established by the municipal water supplier in an open public forum;

(ii) Requirements that the municipal water supplier adopt schedules for implementing conservation program elements and achieving conservation goals to ensure that progress is being made toward adopted conservation goals;

(iii) A reporting system for regular reviews of conservation performance against adopted goals. Performance reports shall be available to customers and the public. Requirements, including reporting frequency, shall be appropriate to system size and complexity;

(iv) Requirements that any system not meeting its water conservation goals shall develop a plan for modifying its conservation program to achieve its goals along with procedures for reporting performance to the department;

(v) If a municipal water supplier determines that further reductions in consumption are not reasonably achievable, it shall identify how current consumption levels will be maintained;

(d) Adopt rules that, to the maximum extent practical, utilize existing mechanisms and simplified procedures in order to

minimize the cost and complexity of implementation and to avoid placing unreasonable financial burden on smaller municipal systems.

~~(5) (The department shall establish an advisory committee to assist the department in developing rules for water use efficiency. The advisory committee shall include representatives from public water system customers, environmental interest groups, business interest groups, a representative cross-section of municipal water suppliers, a water utility conservation professional, tribal governments, the department of ecology, and any other members determined necessary by the department. The department may use the water supply advisory committee created pursuant to RCW 70.119A.160 augmented with additional participants as necessary to comply with this subsection to assist the department in developing rules.~~

~~(6))~~ (6) The department shall provide technical assistance upon request to municipal water suppliers and local governments regarding water conservation, which may include development of best management practices for water conservation programs, conservation landscape ordinances, conservation rate structures for public water systems, and general public education programs on water conservation.

~~((7))~~ (6) To ensure compliance with this section, the department shall establish a compliance process that incorporates a graduated approach employing the full range of compliance mechanisms available to the department.

~~((8))~~ (7) Prior to completion of rule making required in subsection (4) of this section, municipal water suppliers shall continue to meet the existing conservation requirements of the department and shall continue to implement their current water conservation programs.

Sec. 131. RCW 90.86.030 and 2005 c 60 s 3 are each amended to read as follows:

(1) The joint legislative committee on water supply during drought shall convene from time to time at the call of the chair when a drought conditions order under RCW 43.83B.405 is in effect, or when the chair determines, in consultation with the department of ecology, that it is likely that such an order will be issued within the next year.

(2) The committee may request and review information relating to water supply conditions in the state, and economic, environmental, and other impacts relating to decreased water supply being experienced or anticipated. The governor's executive water emergency committee, the department of ecology, ~~(the water supply advisory committee,)~~ and other state agencies with water management or related responsibilities shall cooperate in responding to requests from the committee.

(3) During drought conditions in which an order issued under RCW 43.83B.405 is in effect, the department of ecology shall provide to the committee no less than monthly a report describing drought response activities of the department and other state and federal agencies participating on the water supply availability committee. The report shall include information regarding applications for, and approvals and denials of emergency water withdrawals and temporary changes or transfers of, water rights under RCW 43.83B.410.

(4) The committee from time to time shall make recommendations to the senate and house of representatives on budgetary and legislative actions that will improve the state's drought response programs and planning.

Well Drilling Technical Advisory Group

NEW SECTION. Sec. 132. RCW 18.104.190 (Technical advisory group) and 2005 c 84 s 8 & 1993 c 387 s 25 are each repealed.

Sec. 133. RCW 18.104.040 and 1993 c 387 s 4 are each amended to read as follows:

The department shall have the power:

(1) To issue, deny, suspend or revoke licenses pursuant to the provisions of this chapter;

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

(2) At all reasonable times, to enter upon lands for the purpose of inspecting, taking measurements from, or tagging any well, constructed or being constructed;

(3) To call upon or receive professional or technical advice from the department of health (~~(the technical advisory group created in RCW 18.104.190;))~~) or any other public agency or person;

(4) To adopt rules, in consultation with the department of health (~~(and the technical advisory group created in RCW 18.104.190, governing licensing and well construction)),~~ as may be appropriate to carry out the purposes of this chapter. The rules adopted by the department may include, but are not limited to:

(a) Standards for the construction and maintenance of wells and their casings;

(b) Methods of capping, sealing, and decommissioning wells to prevent contamination of groundwater resources and to protect public health and safety;

(c) Methods of artificial recharge of groundwater bodies and of construction of wells which insure separation of individual water bearing formations;

(d) The manner of conducting and the content of examinations required to be taken by applicants for license hereunder;

(e) Requirements for the filing of notices of intent, well reports, and the payment of fees;

(f) Reporting requirements of well contractors;

(g) Limitations on well construction in areas identified by the department as requiring intensive control of withdrawals in the interests of sound management of the groundwater resource;

(5) To require the operator in the construction of a well and the property owner in the maintenance of a well to guard against waste and contamination of the groundwater resources;

(6) To require the operator to place a well identification tag on a new well and on an existing well on which work is performed after the effective date of rules requiring well identification tags and to place or require the owner to place a well identification tag on an existing well;

(7) To require the well owner to repair or decommission any well:

(a) That is abandoned, unusable, or not intended for future use; or

(b) That is an environmental, safety, or public health hazard.

Sec. 134. RCW 18.104.043 and 2005 c 84 s 2 are each amended to read as follows:

(1) If requested in writing by the governing body of a local health district or county, the department by memorandum of agreement may delegate to the governing body the authority to administer and enforce the well tagging, sealing, and decommissioning portions of the water well construction program.

(2) The department shall determine whether a local health district or county that seeks delegation under this section has the resources, capability, and expertise, including qualified field inspectors, to administer the delegated program. If the department determines the local government has these resources, it shall notify well contractors and operators of the proposal. The department shall accept written comments on the proposal for sixty days after the notice is mailed.

(3) If the department determines that a delegation of authority to a local health district or county to administer and enforce the well sealing and decommissioning portions of the water well construction program will enhance the public health and safety and the environment, the department and the local governing body may enter into a memorandum of agreement setting forth the specific authorities delegated by the department to the local governing body. The memorandum of agreement must be, at a minimum, reviewed annually. The department (~~(in consultation with the technical advisory group, created under RCW 18.104.190;))~~) shall adopt rules outlining the annual review and reporting process. A detailed summary of the review

must be made available to well contractors and operators upon request and be published on the department's web site.

(4) With regard to the portions of the water well construction program delegated under this section, the local governing agency shall exercise only the authority delegated to it under this section. If, after a public hearing, the department determines that a local governing body is not administering the program in accordance with this chapter, it shall notify the local governing body of the deficiencies. If corrective action is not taken within a reasonable time, not to exceed sixty days, the department by order shall withdraw the delegation of authority.

(5) The department shall promptly furnish the local governing body with a copy of each water well report and notification of start cards received in the area covered by a delegated program.

(6) The department and the local governing body shall coordinate to reduce duplication of effort and shall share all appropriate information including technical reports, violations, and well reports.

(7) Any person aggrieved by a decision of a local health district or county under a delegated program may appeal the decision to the department. The department's decision is subject to review by the pollution control hearings board as provided in RCW 43.21B.110.

(8) The department shall not delegate the authority to license well contractors, renew licenses, receive notices of intent to commence constructing a well, receive well reports, or collect state fees provided for in this chapter.

Sec. 135. RCW 18.104.049 and 1993 c 387 s 7 are each amended to read as follows:

The department by rule shall adopt procedures to permit a well operator to modify construction standards to meet unforeseen circumstances encountered during the construction of a well. (~~(The procedures shall be developed in consultation with the technical advisory group established in RCW 18.104.190;))~~)

Sec. 136. RCW 18.104.100 and 2005 c 84 s 5 are each amended to read as follows:

(1) Licenses issued pursuant to this chapter shall be renewed every two years. A license shall be renewed upon payment of a renewal fee and completion of continuing education requirements and receipt of a completed license renewal application. If a licensee fails to submit an application for renewal, the renewal fee, and proof of completion of the required continuing education, the license shall be suspended at the end of its effective term. The licensee is not allowed to perform work authorized by their license during the time that it is suspended. The licensee is allowed thirty days to submit an application for renewal, the renewal fee, and proof of completion of the required continuing education for the renewal period. Continuing education obtained during the thirty-day suspension period may be applied only to the next renewal period. If a licensee fails to submit an application for renewal, the renewal fee, and proof of completion of the required continuing education by the end of the thirty-day suspension period, the license expires. The department shall adopt rules (~~(in consultation with the technical advisory group created under RCW 18.104.190;))~~) that allow for an extension of the thirty-day suspension period for certain situations that are beyond the control of the licensee. The rules must also allow for a retirement or inactive license.

(2) A person whose license has expired must apply for a new license as provided in this chapter. The department may waive the requirement for a written examination and on-site testing for a person whose license has expired.

(3) The department may refuse to renew a license if the licensee has not complied with an order issued by the department or has not paid a penalty imposed in accordance with this chapter, unless the order or penalty is under appeal.

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

(4) The department may issue a conditional license to enable a former licensee to comply with an order to correct problems with a well.

Sec. 137. RCW 18.104.200 and 2005 c 84 s 6 are each amended to read as follows:

(1) A person seeking a new license or to renew an existing license under this chapter must demonstrate a willingness to maintain a high level of professional competency by completing continuing education programs as required by the department by rule. The department shall not approve any continuing education program unless: (a) It is offered by an approved provider; (b) it is open to all persons licensed or pursuing a license under this chapter; and (c) the fees charged are reasonable for all persons desiring to attend the program.

(2) The department(~~(, in consultation with the technical advisory group created in RCW 18.104.190;)~~) shall adopt rules governing continuing education programs. At a minimum, the rules must establish: A method of approving providers of continuing education; a criteria to evaluate the offerings, workshops, courses, classes, or programs; a criteria for assigning credits; and a criteria for reporting and verifying completion.

(3) The department shall support approved providers by providing, upon request and at the department's discretion, technical assistance and presenters for continuing education offerings.

(4) The department shall maintain a current list of all continuing education offerings by approved providers and ensure that the list is available to all licensees by request. The list must also be posted on the department's web site.

Lieutenant Governor Appointments and Assignments

Sec. 138. RCW 43.15.020 and 2008 c 152 s 9 are each amended to read as follows:

The lieutenant governor serves as president of the senate and is responsible for making appointments to, and serving on, the committees and boards as set forth in this section.

(1) The lieutenant governor serves on the following boards and committees:

- (a) Capitol furnishings preservation committee, RCW 27.48.040;
- (b) Washington higher education facilities authority, RCW 28B.07.030;
- (c) Productivity board, also known as the employee involvement and recognition board, RCW 41.60.015;
- (d) State finance committee, RCW 43.33.010;
- (e) State capitol committee, RCW 43.34.010;
- (f) Washington health care facilities authority, RCW 70.37.030;
- (g) State medal of merit nominating committee, RCW 1.40.020;
- (h) Medal of valor committee, RCW 1.60.020; and
- (i) Association of Washington generals, RCW 43.15.030.

(2) The lieutenant governor, and when serving as president of the senate, appoints members to the following boards and committees:

- (a) ~~(Organized crime advisory board, RCW 43.43.858;~~
- ~~(b))~~ Civil legal aid oversight committee, RCW 2.53.010;
- ~~((e))~~ (b) Office of public defense advisory committee, RCW 2.70.030;
- ~~((d))~~ (c) Washington state gambling commission, RCW 9.46.040;
- ~~((e))~~ (d) Sentencing guidelines commission, RCW 9.94A.860;
- ~~((f))~~ (e) State building code council, RCW 19.27.070;
- ~~((g))~~ (f) Women's history consortium board of advisors, RCW 27.34.365;
- ~~((h))~~ (g) Financial literacy public-private partnership, RCW 28A.300.450;
- ~~((i))~~ (h) Joint administrative rules review committee, RCW 34.05.610;

- ~~((f))~~ (i) Capital projects advisory review board, RCW 39.10.220;
- ~~((k))~~ (j) Select committee on pension policy, RCW 41.04.276;
- ~~((h))~~ (k) Legislative ethics board, RCW 42.52.310;
- ~~((m))~~ (l) Washington citizens' commission on salaries, RCW 43.03.305;
- ~~((n))~~ (m) Legislative oral history (~~(advisory)~~) committee, RCW ~~(43.07.230)~~ 44.04.325;
- ~~((o))~~ (n) State council on aging, RCW 43.20A.685;
- ~~((p))~~ (o) State investment board, RCW 43.33A.020;
- ~~((q))~~ (p) Capitol campus design advisory committee, RCW 43.34.080;
- ~~((r))~~ (q) Washington state arts commission, RCW 43.46.015;
- ~~((s))~~ (r) Information services board, RCW 43.105.032;
- ~~((t))~~ ~~K-20 educational network board, RCW 43.105.800;~~
- ~~((u))~~ (s) Municipal research council, RCW 43.110.010;
- ~~((v))~~ (t) Council for children and families, RCW 43.121.020;
- ~~((w))~~ (u) PNWER-Net working subgroup under chapter 43.147 RCW;
- ~~((x))~~ (v) Community economic revitalization board, RCW 43.160.030;
- ~~((y))~~ (w) Washington economic development finance authority, RCW 43.163.020;
- ~~((z))~~ ~~Tourism development advisory committee, RCW 43.330.095;~~
- ~~((aa))~~ (x) Life sciences discovery fund authority, RCW 43.350.020;
- ~~((bb))~~ (y) Legislative children's oversight committee, RCW 44.04.220;
- ~~((cc))~~ (z) Joint legislative audit and review committee, RCW 44.28.010;
- ~~((dd))~~ (aa) Joint committee on energy supply and energy conservation, RCW 44.39.015;
- ~~((ee))~~ (bb) Legislative evaluation and accountability program committee, RCW 44.48.010;
- ~~((ff))~~ (cc) Agency council on coordinated transportation, RCW 47.06B.020;
- ~~((gg))~~ (dd) Manufactured housing task force, RCW 59.22.090;
- ~~((hh))~~ (ee) Washington horse racing commission, RCW 67.16.014;
- ~~((ii))~~ (ff) Correctional industries board of directors, RCW 72.09.080;
- ~~((jj))~~ (gg) Joint committee on veterans' and military affairs, RCW 73.04.150;
- ~~((kk))~~ ~~Washington state parks centennial advisory committee, RCW 79A.75.010;~~
- ~~((l))~~ ~~Puget Sound council, RCW 90.71.030;~~
- ~~((m))~~ (hh) Joint legislative committee on water supply during drought, RCW 90.86.020;
- ~~((n))~~ (ii) Statute law committee, RCW 1.08.001; and
- ~~((o))~~ (jj) Joint legislative oversight committee on trade policy, RCW 44.55.020.

NEW SECTION. Sec. 139. A new section is added to chapter 34.05 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 34.05.610 (joint administrative rules review committee).

NEW SECTION. Sec. 140. A new section is added to chapter 43.185B RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 43.185B.020 (affordable housing advisory board).

NEW SECTION. Sec. 141. A new section is added to chapter 43.20A RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 43.20A.685 (council on aging).

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

NEW SECTION. Sec. 142. A new section is added to chapter 70.94 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 70.94.650(6) (agricultural burning practices and research task force).

NEW SECTION. Sec. 143. A new section is added to chapter 28B.108 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 28B.108.030 (American Indian endowed scholarship advisory and selection commission).

NEW SECTION. Sec. 144. A new section is added to chapter 46.66 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 46.66.010 (auto theft prevention authority). During the temporary suspension, the powers, duties, and authority of the auto theft prevention authority shall be assumed by the executive board of the Washington association of sheriffs and police chiefs within the current resources of the association.

NEW SECTION. Sec. 145. A new section is added to chapter 70.195 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 70.195.010 (birth-to-six interagency coordinating council).

NEW SECTION. Sec. 146. The following act is temporarily suspended until July 1, 2011: 2007 c 354 s 12 (unmodified) (career and technical education curricula advisory committee).

NEW SECTION. Sec. 147. A new section is added to chapter 43.31 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 43.31.504 (child care facility fund committee).

NEW SECTION. Sec. 148. A new section is added to chapter 26.19 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 26.19.025 (child support guidelines and review report work group).

NEW SECTION. Sec. 149. A new section is added to chapter 35.78 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011:

- (1) RCW 35.78.020 (city and county design standards); and
- (2) RCW 43.32.010.

NEW SECTION. Sec. 150. A new section is added to chapter 43.32 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011:

- (1) RCW 35.78.020 (city and county design standards); and
- (2) RCW 43.32.010.

Sec. 151. RCW 18.235.020 and 2009 c 102 s 5 are each amended to read as follows:

(1) This chapter applies only to the director and the boards and commissions having jurisdiction in relation to the businesses and professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The director has authority under this chapter in relation to the following businesses and professions:

- (i) Auctioneers under chapter 18.11 RCW;
- (ii) Bail bond agents and bail bond recovery agents under chapter 18.185 RCW;
- (iii) Camping resorts' operators and salespersons under chapter 19.105 RCW;
- (iv) Commercial telephone solicitors under chapter 19.158 RCW;
- (v) Cosmetologists, barbers, manicurists, and estheticians under chapter 18.16 RCW;
- (vi) Court reporters under chapter 18.145 RCW;

(vii) Driver training schools and instructors under chapter 46.82 RCW;

(viii) Employment agencies under chapter 19.31 RCW;

(ix) For hire vehicle operators under chapter 46.72 RCW;

(x) Limousines under chapter 46.72A RCW;

(xi) Notaries public under chapter 42.44 RCW;

(xii) Private investigators under chapter 18.165 RCW;

(xiii) Professional boxing, martial arts, and wrestling under chapter 67.08 RCW;

(xiv) Real estate appraisers under chapter 18.140 RCW;

(xv) Real estate brokers and salespersons under chapters 18.85 and 18.86 RCW;

(xvi) Security guards under chapter 18.170 RCW;

(xvii) Sellers of travel under chapter 19.138 RCW;

(xviii) Timeshares and timeshare salespersons under chapter 64.36 RCW;

(xix) Collection agencies under chapter 19.16 RCW;

~~(xx) Whitewater river outfitters under chapter 79A.60 RCW;~~

and ~~((~~xx~~))~~ (xxi) Home inspectors under chapter 18.280 RCW.

(b) The boards and commissions having authority under this chapter are as follows:

(i) The state board of registration for architects established in chapter 18.08 RCW;

~~(ii) ((The Washington state collection agency board established in chapter 19.16 RCW;~~

~~((iii))~~ The state board of registration for professional engineers and land surveyors established in chapter 18.43 RCW governing licenses issued under chapters 18.43 and 18.210 RCW;

~~((iv))~~ (iii) The funeral and cemetery board established in chapter 18.39 RCW governing licenses issued under chapters 18.39 and 68.05 RCW;

~~((v))~~ (iv) The state board of registration for landscape architects established in chapter 18.96 RCW; and

~~((vi))~~ (v) The state geologist licensing board established in chapter 18.220 RCW.

(3) In addition to the authority to discipline license holders, the disciplinary authority may grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered under RCW 18.235.110 by the disciplinary authority.

Sec. 152. RCW 19.16.100 and 2003 c 203 s 1 are each amended to read as follows:

Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter shall have the following meanings:

(1) "Person" includes individual, firm, partnership, trust, joint venture, association, or corporation.

(2) "Collection agency" means and includes:

(a) Any person directly or indirectly engaged in soliciting claims for collection, or collecting or attempting to collect claims owed or due or asserted to be owed or due another person;

(b) Any person who directly or indirectly furnishes or attempts to furnish, sells, or offers to sell forms represented to be a collection system or scheme intended or calculated to be used to collect claims even though the forms direct the debtor to make payment to the creditor and even though the forms may be or are actually used by the creditor himself or herself in his or her own name;

(c) Any person who in attempting to collect or in collecting his or her own claim uses a fictitious name or any name other than his or her own which would indicate to the debtor that a third person is collecting or attempting to collect such claim.

(3) "Collection agency" does not mean and does not include:

(a) Any individual engaged in soliciting claims for collection, or collecting or attempting to collect claims on behalf

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

of a licensee under this chapter, if said individual is an employee of the licensee;

(b) Any individual collecting or attempting to collect claims for not more than one employer, if all the collection efforts are carried on in the name of the employer and if the individual is an employee of the employer;

(c) Any person whose collection activities are carried on in his, her, or its true name and are confined and are directly related to the operation of a business other than that of a collection agency, such as but not limited to: Trust companies; savings and loan associations; building and loan associations; abstract companies doing an escrow business; real estate brokers; property management companies collecting assessments, charges, or fines on behalf of condominium unit owners associations, associations of apartment owners, or homeowners' associations; public officers acting in their official capacities; persons acting under court order; lawyers; insurance companies; credit unions; loan or finance companies; mortgage banks; and banks;

(d) Any person who on behalf of another person prepares or mails monthly or periodic statements of accounts due if all payments are made to that other person and no other collection efforts are made by the person preparing the statements of account;

(e) An "out-of-state collection agency" as defined in this chapter; or

(f) Any person while acting as a debt collector for another person, both of whom are related by common ownership or affiliated by corporate control, if the person acting as a debt collector does so only for persons to whom it is so related or affiliated and if the principal business of the person is not the collection of debts.

(4) "Out-of-state collection agency" means a person whose activities within this state are limited to collecting debts from debtors located in this state by means of interstate communications, including telephone, mail, or facsimile transmission, from the person's location in another state on behalf of clients located outside of this state, but does not include any person who is excluded from the definition of the term "debt collector" under the federal fair debt collection practices act (15 U.S.C. Sec. 1692a(6)).

(5) "Claim" means any obligation for the payment of money or thing of value arising out of any agreement or contract, express or implied.

(6) "Statement of account" means a report setting forth only amounts billed, invoices, credits allowed, or aged balance due.

(7) "Director" means the director of licensing.

(8) "Client" or "customer" means any person authorizing or employing a collection agency to collect a claim.

(9) "Licensee" means any person licensed under this chapter.

(10) (~~"Board" means the Washington state collection agency board.~~)

~~(11))~~ "Debtor" means any person owing or alleged to owe a claim.

~~((12))~~ (11) "Commercial claim" means any obligation for payment of money or thing of value arising out of any agreement or contract, express or implied, where the transaction which is the subject of the agreement or contract is not primarily for personal, family, or household purposes.

Sec. 153. RCW 19.16.420 and 1971 ex.s. c 253 s 33 are each amended to read as follows:

On or about the first day of February in each year, the director shall cause to be made available at reasonable expense to a licensee a copy of this chapter, a copy of the current rules and regulations of the director (~~and board~~), and such other materials as the director or board may prescribe.

NEW SECTION. Sec. 154. A new section is added to chapter 19.16 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011:

(1) RCW 19.16.280 (Board created--Composition of board--Qualification of members) and 1971 ex.s. c 253 s 19;

(2) RCW 19.16.290 (Board--Initial members--Terms--Oath--Removal) and 1971 ex.s. c 253 s 20;

(3) RCW 19.16.300 (Board meetings--Quorum--Effect of vacancy) and 1971 ex.s. c 253 s 21;

(4) RCW 19.16.310 (Board--Compensation--Reimbursement of travel expenses) and 1984 c 287 s 54, 1975-'76 2nd ex.s. c 34 s 58, & 1971 ex.s. c 253 s 22;

(5) RCW 19.16.320 (Board--Territorial scope of operations) and 1971 ex.s. c 253 s 23;

(6) RCW 19.16.330 (Board--Immunity from suit) and 1971 ex.s. c 253 s 24;

(7) RCW 19.16.340 (Board--Records) and 1971 ex.s. c 253 s 25;

(8) RCW 19.16.351 (Additional powers and duties of board) and 2002 c 86 s 267, 1977 ex.s. c 194 s 2, & 1973 1st ex.s. c 20 s 8;

(9) RCW 19.16.410 (Rules, orders, decisions, etc) and 2007 c 256 s 4 & 1971 ex.s. c 253 s 32; and

(10) RCW 19.16.420 (Copy of this chapter, rules and regulations available to licensee) and 1971 ex.s. c 253 s 33.

NEW SECTION. Sec. 155. A new section is added to chapter 72.78 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 72.78.030 (community transition coordination networks advisory committee).

NEW SECTION. Sec. 156. A new section is added to chapter 70.198 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 79.198.020 (deaf and hard of hearing advisory council).

NEW SECTION. Sec. 157. A new section is added to chapter 28A.175 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 28A.175.075 (drop-out prevention state-level leadership group).

NEW SECTION. Sec. 158. A new section is added to chapter 43.06B RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 43.06B.010 (education ombudsman appointment committee).

NEW SECTION. Sec. 159. A new section is added to chapter 44.39 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 44.39.010 (joint committee on energy supply and energy conservation).

NEW SECTION. Sec. 160. A new section is added to chapter 38.52 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 38.52.530 (enhanced 911 advisory committee).

NEW SECTION. Sec. 161. A new section is added to chapter 43.22 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 43.22.420 (factory assembled structures advisory board).

NEW SECTION. Sec. 162. The following act is temporarily suspended until July 1, 2011: 2007 c 357 s 2 (uncodified) (joint legislative task force on family leave insurance).

NEW SECTION. Sec. 163. A new section is added to chapter 28A.300 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 28A.300.450 (financial literacy public-private partnership).

NEW SECTION. Sec. 164. A new section is added to chapter 43.31 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 43.31.425 (Hanford area economic investment fund committee).

ONE HUNDRED SECOND DAY, APRIL 23, 2009

NEW SECTION. Sec. 165. A new section is added to chapter 70.47A RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 70.47A.100 (health insurance partnership board).

NEW SECTION. Sec. 166. A new section is added to chapter 28B.115 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 28B.115.050 (health professional loan repayment and scholarship advisory committee).

NEW SECTION. Sec. 167. RCW 79A.30.030 (Washington state horse park authority--Formation--Powers--Articles of incorporation--Board) and 2000 c 11 s 85 & 1995 c 200 s 4 are each repealed.

NEW SECTION. Sec. 168. A new section is added to chapter 77.85 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 77.85.200 (lower Columbia fish recovery board).

NEW SECTION. Sec. 169. A new section is added to chapter 28A.305 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 28A.305.219 (mathematics advisory panel and science advisory panel).

NEW SECTION. Sec. 170. A new section is added to chapter 1.40 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 1.40.020 (medal of merit committee).

NEW SECTION. Sec. 171. A new section is added to chapter 1.60 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 1.60.020 (state medal of valor committee).

NEW SECTION. Sec. 172. A new section is added to chapter 13.60 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 13.60.120 (missing and exploited children task force).

NEW SECTION. Sec. 173. A new section is added to chapter 43.147 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: Chapter 43.147 RCW (Pacific Northwest economic region delegate council and executive committee).

NEW SECTION. Sec. 174. A new section is added to chapter 28B.10 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 28B.10.922 (performance agreement committee).

NEW SECTION. Sec. 175. A new section is added to chapter 28A.195 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 28A.195.050 (private school advisory committee).

NEW SECTION. Sec. 176. A new section is added to chapter 36.102 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 36.102.040 (public stadium authority advisory committee).

NEW SECTION. Sec. 177. A new section is added to chapter 41.04 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 41.04.276 (select committee on pension policy).

NEW SECTION. Sec. 178. The following act is temporarily suspended until July 1, 2011: 2008 c 195 s 2 (uncodified) (recreation on state trust lands work group).

NEW SECTION. Sec. 179. A new section is added to chapter 74.18 RCW to read as follows:

2009 REGULAR SESSION

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 74.18.070 (rehabilitation council for the department of services for the blind).

NEW SECTION. Sec. 180. A new section is added to chapter 28A.600 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 28A.600.130 (scholars advisory and selection committee).

NEW SECTION. Sec. 181. A new section is added to chapter 28A.160 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 28A.160.195 (school bus equipment and specifications committee).

NEW SECTION. Sec. 182. The following acts or parts of acts are each repealed: 2007 c 520 s 6016 (uncodified) (joint legislative task force on school construction funding); and

2007 c 520 s 6025 (uncodified) (study committee on public infrastructure programs and funding structures).

NEW SECTION. Sec. 183. A new section is added to chapter 28A.525 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 28A.525.025 (school facilities citizen advisory panel).

NEW SECTION. Sec. 184. A new section is added to chapter 43.210 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 43.210.030 (small business export finance assistance center board).

NEW SECTION. Sec. 185. A new section is added to chapter 28A.175 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 28A.175.075 (state-level leadership group).

NEW SECTION. Sec. 186. A new section is added to chapter 2.53 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 2.53.040 (task force on statewide protocols for dissolution cases).

NEW SECTION. Sec. 187. A new section is added to chapter 58.24 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 58.24.020 (survey advisory board).

NEW SECTION. Sec. 188. A new section is added to chapter 44.55 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 44.55.020 (joint legislative oversight committee on trade policy).

NEW SECTION. Sec. 189. The following act is temporarily suspended until July 1, 2011: 2007 c 288 s 2 (uncodified) (joint legislative task force on underground economy in the construction industry).

NEW SECTION. Sec. 190. A new section is added to chapter 90.86 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 90.86.010 (joint legislative committee on water supply during drought).

NEW SECTION. Sec. 191. The activities of the following boards and commissions shall be suspended until July 1, 2011:

(1) The joint select committee on beer and wine regulation; and

(2) The committee on legislative old timers events.

NEW SECTION. Sec. 192. The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 90.56.120 (oil spill advisory council--Meetings--Travel expenses and compensation).

NEW SECTION. Sec. 193. A new section is added to chapter 43.20A RCW to read as follows:

The following committees established pursuant to authority granted in RCW 43.20A.350 are each suspended until July 1, 2011:

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

- (1) Economic services advisory committee;
- (2) Medicaid school administrative match advisory committee;
- (3) Family to family advisory council, region 3.

Commission on Equipment

NEW SECTION. Sec. 194. The following acts or parts of acts are each repealed:

- (1) RCW 46.38.010 (Compact enacted--Provisions) and 1963 c 204 s 1;
- (2) RCW 46.38.020 (Legislative findings) and 1987 c 330 s 735 & 1963 c 204 s 2;
- (3) RCW 46.38.030 (Effective date of rules, etc. of vehicle safety equipment commission) and 1987 c 330 s 736, 1967 ex.s. c 145 s 57, & 1963 c 204 s 3;
- (4) RCW 46.38.040 (Appointment of commissioner and alternate commissioner) and 1987 c 330 s 737 & 1963 c 204 s 4;
- (5) RCW 46.38.050 (Cooperation of state agencies with vehicle equipment safety commission) and 1963 c 204 s 5;
- (6) RCW 46.38.060 (State officers for the filing of documents and receipt of notices) and 1987 c 330 s 738 & 1963 c 204 s 6;
- (7) RCW 46.38.070 (Vehicle equipment safety commission to submit budgets to director of financial management) and 1979 c 151 s 160 & 1963 c 204 s 7;
- (8) RCW 46.38.080 (State auditor to inspect accounts of vehicle equipment safety commission) and 1963 c 204 s 8; and
- (9) RCW 46.38.090 (Withdrawal from compact, "executive head" defined) and 1963 c 204 s 9.

Western States School Bus Safety Commission

NEW SECTION. Sec. 195. The following acts or parts of acts are each repealed:

- (1) RCW 46.39.010 (Compact enacted--Provisions) and 1977 ex.s. c 88 s 1; and
- (2) RCW 46.39.020 (Designation of Washington state commissioners) and 1984 c 7 s 51 & 1977 ex.s. c 88 s 2.

NEW SECTION. Sec. 196. The traumatic brain injury grant advisory board must be dissolved by July 1, 2010. The traumatic brain injury council shall assume all duties and powers of the traumatic brain injury grant advisory board necessary to retain any federal grants.

Sec. 197. RCW 43.60A.010 and 2006 c 343 s 2 are each amended to read as follows:

As used in this chapter the following words and phrases shall have the following meanings unless the context clearly requires otherwise:

- (1) "Department" means the department of veterans affairs.
- (2) "Director" means the director of the department of veterans affairs.
- (3) "Committee" means the veterans affairs advisory committee.

~~((4) "Board" means the veterans innovations program board.))~~

Sec. 198. RCW 43.60A.080 and 1995 c 25 s 1 are each amended to read as follows:

(1) There is hereby created a veterans affairs advisory committee which shall serve in an advisory capacity to the governor and the director of the department of veterans affairs. The committee shall be composed of seventeen members to be appointed by the governor, and shall consist of the following:

- (a) One representative of the Washington soldiers' home and colony at Orting and one representative of the Washington veterans' home at Retsil. Each home's resident council may nominate up to three individuals whose names are to be forwarded by the director to the governor. In making the appointments, the governor shall consider these recommendations or request additional nominations.

(b) One representative each from the three congressionally chartered or nationally recognized veterans service organizations as listed in the current "Directory of Veterans Service Organizations" published by the United States department of veterans affairs with the largest number of active members in the state of Washington as determined by the director. The organizations' state commanders may each submit a list of three names to be forwarded to the governor by the director. In making the appointments, the governor shall consider these recommendations or request additional nominations.

(c) Ten members shall be chosen to represent those congressionally chartered or nationally recognized veterans service organizations listed in the directory under (b) of this subsection and having at least one active chapter within the state of Washington. Up to three nominations may be forwarded from each organization to the governor by the director. In making the appointments, the governor shall consider these recommendations or request additional nominations.

(d) Two members shall be veterans at large. Any individual or organization may nominate a veteran for an at-large position. Organizational affiliation shall not be a prerequisite for nomination or appointment. All nominations for the at-large positions shall be forwarded by the director to the governor.

(e) No organization shall have more than one official representative on the committee at any one time.

(f) In making appointments to the committee, care shall be taken to ensure that members represent all geographical portions of the state and minority viewpoints, and that the issues and views of concern to women veterans are represented.

(2) All members shall have terms of four years. In the case of a vacancy, appointment shall be only for the remainder of the unexpired term for which the vacancy occurs. No member may serve more than two consecutive terms, with vacancy appointments to an unexpired term not considered as a term. Members appointed before June 11, 1992, shall continue to serve until the expiration of their current terms; and then, subject to the conditions contained in this section, are eligible for reappointment.

(3) The committee shall adopt an order of business for conducting its meetings.

(4) The committee shall have the following powers and duties:

(a) To serve in an advisory capacity to the governor and the director on matters pertaining to the department of veterans affairs;

(b) To acquaint themselves fully with the operations of the department and recommend such changes to the governor and the director as they deem advisable; and

(c) To exercise the powers granted under RCW 43.60A.160 through 43.60A.185 related to the competitive grant program.

(5) Members of the committee shall receive no compensation for the performance of their duties but shall receive a per diem allowance and mileage expense according to the provisions of chapter 43.03 RCW.

NEW SECTION. Sec. 199. The following acts or parts of acts are each repealed:

(1) RCW 43.60A.170 (Competitive grant program--Veterans innovations program board--Travel expenses) and 2006 c 343 s 5;

(2) RCW 43.131.405 (Veterans innovations program--Termination) and 2006 c 343 s 10; and

(3) RCW 43.131.406 (Veterans innovations program--Repeal) and 2006 c 343 s 11.

NEW SECTION. Sec. 200. The HIV policy collaborative established under RCW 43.70.040 must be dissolved by July 1, 2010. The HIV/AIDS education program review panel must assume all duties and powers of the HIV policy collaborative necessary to retain any federal grants.

NEW SECTION. Sec. 201. By July 1, 2010, the governor shall recommend to the legislature which of the boards and commissions, created either by statute or by action of the

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

executive branch, shall receive state funding, those whose activities shall be suspended, and those which shall be terminated either by legislative or executive branch action.

NEW SECTION. Sec. 202. (1) 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.

(2) 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.

(3) 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.

NEW SECTION. Sec. 203. Any agency or state or local government entity that is required by statute to consult with a board or commission suspended or eliminated by this act shall instead seek informed opinions from other individuals or groups engaged in similar activities, as the director or governing body feels is appropriate.

NEW SECTION. Sec. 204. Section 18 of this act expires June 1, 2013.

NEW SECTION. Sec. 205. Sections 151 through 153 of this act expire July 1, 2011.

NEW SECTION. Sec. 206. Subheadings used in this act are not any part of the law.

NEW SECTION. Sec. 207. Sections 2 through 31, 98, 99, 167, 182, 183, 192, 194, 195, 202, and 203 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 June 30, 2009.

NEW SECTION. Sec. 208. Sections 32 through 97 and 100 through 137 of this act take effect June 30, 2010."

Senator Pridemore spoke in favor of adoption of the striking amendment.

MOTION

Senator King moved that the following amendment by Senators King and Pridemore to the striking amendment be adopted.

On page 82, line 1 strike all material through "corporation." On line 20 of page 84

On page 137, line 17 of the title amendment, after "16.57.353," strike "46.09.020,"

On page 138, line 30 of the title amendment, after "71.09.320" strike "46.09.280"

Senators King and Pridemore spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators King and Pridemore on page 82, line 1 to the striking amendment to Senate Bill No. 5995.

The motion by Senator King carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

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

On page 130, line 30 of the amendment, after "c 520" strike "s 6025" and insert "s 6026"

Senator Pridemore spoke in favor of adoption of the

amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Pridemore on page 130, line 30 to the striking amendment to Senate Bill No. 5995.

The motion by Senator Pridemore carried and the amendment to the striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Pridemore as amended to Senate Bill No. 5995.

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

MOTION

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

On page 1, line 2 of the title, after "2009;" strike the remainder of the title and insert "amending RCW 18.06.080, 70.128.163, 18.44.011, 18.44.195, 18.44.221, 18.44.251, 19.146.225, 70.149.040, 79A.75.900, 70.14.060, 4.92.130, 18.84.040, 18.84.070, 28B.116.020, 28B.12.040, 28C.18.050, 28C.18.090, 43.03.027, 43.03.028, 34.12.100, 42.17.370, 43.03.040, 43.63A.760, 18.250.010, 18.250.020, 18.250.060, 70.47.040, 28A.300.520, 43.215.065, 72.09.495, 74.04.800, 74.13.031, 74.15.050, 74.15.060, 41.04.033, 41.04.0331, 41.04.0332, 43.101.380, 43.105.052, 72.23.025, 43.43.930, 43.43.938, 43.43.962, 43.43.934, 38.52.530, 49.26.120, 48.62.061, 48.62.161, 41.05.035, 28B.76.280, 18.280.010, 18.280.030, 18.280.050, 18.280.060, 18.280.070, 18.280.080, 18.280.110, 18.280.120, 18.280.130, 43.330.090, 43.105.020, 43.105.041, 43.105.805, 43.105.820, 16.57.353, 46.09.020, 18.210.010, 18.210.050, 18.210.060, 70.118.110, 43.43.866, 43.10.240, 18.200.010, 18.200.050, 18.200.070, 18.140.010, 18.140.030, 18.140.160, 18.140.170, 77.95.100, 77.95.180, 77.95.190, 82.58.020, 70.95.030, 43.21A.520, 70.105.010, 70.105.160, 70.119A.180, 90.86.030, 18.104.040, 18.104.043, 18.104.049, 18.104.100, 18.104.200, 43.15.020, 18.235.020, 19.16.100, 19.16.420, 43.60A.010, and 43.60A.080; reenacting and amending RCW 70.105D.030 and 74.15.030; adding a new section to chapter 34.05 RCW; adding a new section to chapter 43.185B RCW; adding new sections to chapter 43.20A RCW; adding a new section to chapter 70.94 RCW; adding a new section to chapter 28B.108 RCW; adding a new section to chapter 46.66 RCW; adding a new section to chapter 70.195 RCW; adding new sections to chapter 43.31 RCW; adding a new section to chapter 26.19 RCW; adding a new section to chapter 35.78 RCW; adding a new section to chapter 43.32 RCW; adding a new section to chapter 19.16 RCW; adding a new section to chapter 72.78 RCW; adding a new section to chapter 70.198 RCW; adding new sections to chapter 28A.175 RCW; adding a new section to chapter 43.06B RCW; adding a new section to chapter 44.39 RCW; adding a new section to chapter 38.52 RCW; adding a new section to chapter 43.22 RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 70.47A RCW; adding a new section to chapter 28B.115 RCW; adding a new section to chapter 77.85 RCW; adding a new section to chapter 28A.305 RCW; adding a new section to chapter 1.40 RCW; adding a new section to chapter 1.60 RCW; adding a new section to chapter 13.60 RCW; adding a new section to chapter 43.147 RCW; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 28A.195 RCW; adding a new section to chapter 36.102 RCW; adding a new section to chapter 41.04 RCW; adding a new section to chapter 74.18 RCW; adding a new section to chapter 28A.600 RCW; adding a new section to chapter 28A.160 RCW; adding a new section to chapter 28A.525 RCW; adding a new section to chapter 43.210 RCW; adding a new

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

section to chapter 2.53 RCW; adding a new section to chapter 58.24 RCW; adding a new section to chapter 44.55 RCW; adding a new section to chapter 90.86 RCW; creating new sections; repealing RCW 28B.04.085, 70.128.225, 18.20.260, 70.96A.070, 18.44.500, 18.44.510, 79A.25.220, 19.146.280, 4.92.230, 21.20.550, 21.20.560, 21.20.570, 21.20.580, 21.20.590, 43.360.040, 28B.116.040, 18.155.050, 74.32.100, 74.32.110, 74.32.120, 74.32.130, 74.32.140, 74.32.150, 74.32.160, 74.32.170, 74.32.180, 28B.50.254, 18.250.030, 43.63A.068, 43.101.310, 43.101.315, 43.101.320, 43.101.325, 43.101.330, 43.101.335, 43.101.340, 43.101.345, 43.105.055, 70.198.010, 43.43.932, 43.43.936, 70.105E.070, 70.105E.090, 48.62.051, 48.62.041, 28B.76.100, 18.280.040, 10.98.200, 10.98.210, 10.98.220, 10.98.230, 10.98.240, 43.105.800, 43.105.810, 16.57.015, 71.09.320, 46.09.280, 18.210.040, 18.210.070, 70.118.100, 43.43.858, 43.43.860, 43.43.862, 43.43.864, 10.29.030, 10.29.040, 10.29.080, 10.29.090, 18.200.060, 72.09.800, 18.140.230, 18.140.240, 18.140.250, 77.95.110, 77.95.120, 70.95.040, 70.95.050, 70.95.070, 70.105.060, 70.119A.160, 18.104.190, 79A.30.030, 46.38.010, 46.38.020, 46.38.030, 46.38.040, 46.38.050, 46.38.060, 46.38.070, 46.38.080, 46.38.090, 46.39.010, 46.39.020, 43.60A.170, 43.131.405, and 43.131.406; repealing 2008 c 311 s 1 (uncodified); repealing 2008 c 311 s 2 (uncodified); repealing 2008 c 311 s 3 (uncodified); repealing 2008 c 311 s 4 (uncodified); repealing 2007 c 520 s 6016 (uncodified); repealing 2007 c 520 s 6026 (uncodified); providing effective dates; providing expiration dates; and declaring an emergency."

MOTION

On motion of Senator Pridemore, the rules were suspended, Engrossed Senate Bill No. 5995 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pridemore, Schoesler and Parlette spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5995.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5995 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Fraser

ENGROSSED SENATE BILL NO. 5995, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MESSAGE FROM THE HOUSE

April 21, 2009

MR. PRESIDENT:

The House concurs in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1332, 1332-S AMS JARR S3091.1 and refuses to concur in amendment 1332-S AMS CARR KIRC 013 and ask the Senate to recede therefrom, and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Jarrett moved that the Senate recede from its position on the Senate amendment to Substitute House Bill No. 1332.

The President declared the question before the Senate to be motion by Senator Jarrett that the Senate recede from its position on the Senate amendment to Substitute House Bill No. 1332.

The motion by Senator Jarrett carried and the Senate receded from its amendment to Substitute House Bill No. 1332 by voice vote.

MOTION

On motion of Senator Jarrett, the rules were suspended and Substitute House Bill No. 1332 was returned to second reading for the purposes of amendment.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1332, by House Committee on Judiciary (originally sponsored by Representatives Goodman, Anderson, Springer, Clibborn, Eddy, Simpson, Rodne, Pedersen, Hunter and Maxwell)

Granting authority of a watershed management partnership to exercise powers of its forming governments.

The measure was read the second time.

MOTION

Senator Jarrett moved that the following striking amendment by Senator Jarrett and others be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 39.34 RCW to read as follows:

(1) As limited in subsection (3) of this section, a watershed management partnership formed or qualified under the authority of RCW 39.34.200 and 39.34.210, including the separate legal entity established by such a partnership under RCW 39.34.030(3)(b) to conduct the cooperative undertaking of the partnership under the same statutory authority, may exercise the power of eminent domain as provided in chapter 8.12 RCW.

(2) The eminent domain authority granted under subsection (1) of this section may be exercised only for those utility purposes for which the watershed partnership was formed and is limited solely to providing water services to its customers.

(3) Subsection (1) of this section applies only to a watershed management partnership that:

(a) Was formed or qualified before July 1, 2006, under the authority of RCW 39.34.200 and 39.34.210;

(b) Is not engaged in planning or in implementing a plan for a water resource inventory area under the terms of chapter 90.82 RCW;

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

(c) Is composed entirely of cities and water-sewer districts authorized to exercise the power of eminent domain in the manner provided by chapter 8.12 RCW; and

(d) Is governed by a board of directors consisting entirely of elected officials from the cities and water-sewer districts that constitute the watershed management partnership.

(4) A watershed management partnership exercising authority under this section shall:

(a) Comply with the notice requirements of RCW 8.25.290;

(b) Provide notice to the city, town, or county with jurisdiction over the subject property by certified mail thirty days prior to the partnership board authorizing condemnation; and

(c) With any city that is not a member of the watershed management partnership and that has water or sewer service areas within one-half mile of Lake Tapps or water or sewer service areas within five miles upstream from Lake Tapps along the White river, enter into an interlocal agreement to allow eminent domain within that city prior to exercising eminent domain authority under this section.

(5) The legislature is currently unaware of any information suggesting that the expected use by the watershed management partnership of the Lake Tapps water supply will have a significantly adverse effect on surrounding communities. However, if the watershed management partnership's Lake Tapps water supply operations result in a negative impact to the water supplies of a city that is not a member of the watershed management partnership and the city has water or sewer service areas within one-half mile of Lake Tapps or water or sewer service areas within five miles upstream from Lake Tapps along the White river, the city claiming a negative impact under this subsection must notify the watershed management partnership of their claim and give the partnership at least sixty days to resolve the claimed impact. If the watershed management partnership fails to resolve the claimed negative impact or disputes that the negative impact exists, the city claiming the negative impact under this subsection may pursue existing legal remedies in accordance with state and federal law. If a court determines that a negative impact has occurred as provided under this subsection, the watershed management partnership shall implement a remedy acceptable to the claiming city. If the affected city or cities and the watershed management partnership cannot agree on the terms required under this subsection, the court shall establish the terms for the remedy required under this subsection."

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Jarrett and others to Substitute House Bill No. 1332.

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

MOTION

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

On page 1, line 2 of the title, after "governments;" strike the remainder of the title and insert "and adding a new section to chapter 39.34 RCW."

MOTION

On motion of Senator Jarrett, the rules were suspended, Substitute House Bill No. 1332 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jarrett, Roach and Kauffman spoke in favor of passage of the bill.

MOTION

On motion of Senator Stevens, Senator Pflug was excused.

Senator Carrell spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1332 as amended by the Senate

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1332 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

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

Voting nay: Senators Carrell, Hargrove, Holmquist, Morton and Stevens

Excused: Senator Fraser

SUBSTITUTE HOUSE BILL NO. 1332 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Jacobsen: "While all the members are still here I want to just announce that tomorrow at noon we'll dedicate on the campus here a butternut tree dedicated to Martin Luther King and George Washington Bush who was the first African American settler in the state of Washington. The tree that's out there, that's already been transplanted, is actually a direct descendent of the one he brought out with him when he came out in his covered wagon in about the 1850's. He ended up coming to Washington State because here he could be free and practice to be a farmer whereas in Oregon they would of treated as being discriminated against and so practice, be a farmer, whereas in Oregon, they would've been treated as a, had been discriminated against and so it's a chance to see a little bit of history. He was quite a guy. I didn't realize this, he fought in the Battle of New Orleans for the United States and also came out here as a trapper with the Hudson's Bay Company and then later on, after he'd settled in Missouri, he turned around and decided he was going to emigrate out of Missouri and come out where he could be free and ended up living in Washington State. There's only, as far as I can tell, only one blotch on the family history. His son, the eldest, William Owens Bush, served twice in the Washington State Legislature and, to my dismay, in 1890 introduced a bill establishing an institution that is now Washington State University. Thank you Mr. President."

MESSAGE FROM THE HOUSE

April 22, 2009

MR. PRESIDENT:

The House insists on its position regarding the House

ONE HUNDRED SECOND DAY, APRIL 23, 2009
amendment(s) to ENGROSSED SENATE BILL NO. 5617 and
again asks Senate to recede therefrom.
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kauffman moved that the Senate adhere to its
position and refuse to concur in the House amendment(s) to
Engrossed Senate Bill No. 5617.

The President declared the question before the Senate to be
motion by Senator Kauffman that the Senate adhere to its
position and refused to concur in the House amendment(s) to
Engrossed Senate Bill No. 5617.

The motion by Senator Kauffman carried and the Senate
insisted on its position in the House amendment(s) to Engrossed
Senate Bill No. 5617 by voice vote.

MESSAGE FROM THE HOUSE

April 23, 2009

MR. PRESIDENT:

The House insists on its position regarding the House
amendment to SUBSTITUTE SENATE BILL NO. 5574 and
asks the Senate for a conference thereon. Speaker has appointed
the following members as Conferees:

Representatives Clibborn, Eddy, and Shea
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate granted the request
of the House for a conference on Substitute Senate Bill No.
5574 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference
Committee on Substitute Senate Bill No. 5574 and the House
amendment(s) there to: Senators Kohl-Welles, Kauffman and
Holmquist.

MOTION

On motion of Senator Eide, the appointments to the
conference committee were confirmed.

MESSAGE FROM THE HOUSE

April 23, 2009

MR. PRESIDENT:

The House grants the request of Senate for a conference on
ENGROSSED SUBSTITUTE SENATE BILL NO. 5840. The
Speaker has appointed the following members as Conferees:

Representatives McCoy, Kessler, and Crouse.
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate granted the request
of the House for a conference on Engrossed Substitute Senate
Bill No. 5840 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference
Committee on Engrossed Substitute Senate Bill No. 5840 and
the House amendment(s) there to: Senators Brown, Rockefeller
and Honeyford.

MOTION

On motion of Senator Eide, the appointments to the
conference committee were confirmed.

MOTION

At 8:07 p.m., on motion of Senator Eide, the Senate
adjourned until 10:00 a.m. Friday, April 24, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate