

**FIFTY FOURTH DAY**

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MORNING SESSION

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March 1, 2012

Senate Chamber, Olympia, Friday, March 2, 2012

The Senate was called to order at 9:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Litzow.

The Sergeant at Arms Color Guard consisting of Pages Dustin Coffey and Morgan Anderson, presented the Colors. Pastor Rusty Carlson of Rainer View Christian Church of Tacoma 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

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

MESSAGE FROM THE HOUSE

March 1, 2012

MR. PRESIDENT:

The House has passed:

- SENATE BILL NO. 5365,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5715,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5991,
- SENATE BILL NO. 6098,
- SENATE BILL NO. 6171,
- SUBSTITUTE SENATE BILL NO. 6208,
- ENGROSSED SENATE BILL NO. 6255,
- SENATE BILL NO. 6290,
- SUBSTITUTE SENATE BILL NO. 6371,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6470,
- SUBSTITUTE SENATE BILL NO. 6574.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 1, 2012

MR. PRESIDENT:

The House has passed:

- SENATE BILL NO. 5981,
- SUBSTITUTE SENATE BILL NO. 6002,
- SENATE BILL NO. 6046,
- SENATE BILL NO. 6059,
- SUBSTITUTE SENATE BILL NO. 6112,
- SUBSTITUTE SENATE BILL NO. 6167,
- SUBSTITUTE SENATE BILL NO. 6325.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The House has passed:

SENATE BILL NO. 6218.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1820 by House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Hope, Liias, Rivers, Ryu, Moscoso, Morris, Hurst, Condotta, Jinkins, Fitzgibbon, Klippert, Johnson, Sells, Reykdal, Billig, Maxwell and Kelley)

AN ACT Relating to the blue alert system; and adding a new chapter to Title 10 RCW.

3ESHB 2127 by House Committee on Ways & Means (originally sponsored by Representative Hunter)

AN ACT Relating to fiscal matters; amending RCW 28B.15.067, 38.52.540, 41.06.560, 43.07.129, 43.30.720, 43.88.110, 74.48.090, 76.04.610, 77.12.201, 77.12.203, 79.22.010, 79.22.040, 79.64.100, 79.105.150, 79.105.240, 79A.25.200, 86.26.007, and 90.48.390; amending 2012 c 86 (ESHB 2190) (uncodified); amending 2011 2nd sp.s. c 9 ss 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 125, 128, 129, 130, 131, 126, 127, 132, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 401, 402, 501, 502, 503, 504, 505, 507, 508, 509, 510, 511, 513, 514, 515, 601, 602, 603, 604, 605, 606, 607, 608, 609, 612, 613, 614, 615, 616, 617, 701, 702, and 801 (uncodified); amending 2011 1st sp.s. c 50 ss 103, 104, 106, 105, 108, 112, 115, 117, 120, 124, 128, 132, 133, 137, 136, 142, 147, 151, 149, 214, 516, 616, 715, 801, 802, 803, 910, 920, 921, and 922 (uncodified); amending 2010 c 23 s 205 (uncodified); reenacting and amending RCW 2.68.020, 70.105D.070, and 79.64.040; adding new sections to 2011 1st sp.s. c 50 (uncodified); repealing 2011 2nd sp.s. c 9 ss 610, 611, 705, 706, 707, and 708 (uncodified); repealing 2011 1st sp.s. c 50 ss 709 and 710 (uncodified); making appropriations; and declaring an emergency.

Referred to Committee on Ways & Means.

EHB 2814 by Representatives Clibborn, Armstrong, Eddy and Springer

AN ACT Relating to the replacement of certain elements of the state route number 520 corridor; amending RCW 90.58.140; creating a new section; providing an expiration date; and declaring an emergency.

## MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Engrossed Substitute House Bill No. 1820 and Engrossed House Bill No. 2814 which were placed on the second reading calendar under suspension of the rules.

## MOTION

On motion of Senator Eide, Senate Bill No. 6406 was made a special order of business for the day to be considered at 4:59 p.m.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

## MOTION

Senator Eide moved that Senate Bill No. 6406 be made the special order of business at 4:59 p.m. today.

## MOTION

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

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 2326, by House Committee on Environment (originally sponsored by Representatives Jinkins, Ladenburg, Darneille, Fitzgibbon, Upthegrove, Seaquist, Moscoso, Green, Kagi, Billig, Tharinger, Pollet, Wylie, Reykdal, McCoy, Eddy, Hunt and Lytton)

Protecting air quality that is impacted by high emitting solid fuel burning devices.

The measure was read the second time.

## MOTION

Senator Nelson moved that the following committee striking amendment by the Committee on Environment be not adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.94.473 and 2008 c 40 s 1 are each amended to read as follows:

(1) Any person in a residence or commercial establishment which has an adequate source of heat without burning wood shall:

(a) Not burn wood in any solid fuel burning device whenever the department has determined under RCW 70.94.715 that any air pollution episode exists in that area;

(b) Not burn wood in any solid fuel burning device except those which are either Oregon department of environmental quality phase II or United States environmental protection agency certified or certified by the department under RCW 70.94.457(1) or a pellet stove either certified or issued an exemption by the United States environmental protection agency in accordance with Title 40, Part 60 of the code of federal regulations, in the geographical area and for the period of time that a first stage of impaired air quality has been determined, by the department or any authority, for that area. A first stage of impaired air quality is reached when forecasted meteorological conditions are predicted to cause fine particulate levels to reach or exceed (~~thirty-five~~) thirty micrograms per cubic

meter, measured on a twenty-four hour average, within (~~forty-eight~~) seventy-two hours; and

(c)(i) Not burn wood in any solid fuel burning device in a geographical area and for the period of time that a second stage of impaired air quality has been determined by the department or any authority, for that area. A second stage of impaired air quality is reached when a first stage of impaired air quality has been in force and has not been sufficient to reduce the increasing fine particulate pollution trend, fine particulates are at an ambient level of twenty-five micrograms per cubic meter measured on a twenty-four hour average, and forecasted meteorological conditions are not expected to allow levels of fine particulates to decline below twenty-five micrograms per cubic meter for a period of twenty-four hours or more from the time that the fine particulates are measured at the trigger level.

(ii) A second stage burn ban may be called without calling a first stage burn ban only when all of the following occur and shall require the department or the local air pollution control authority calling a second stage burn ban under this subsection to comply with the requirements of subsection (~~((4))~~) (3) of this section:

(A) Fine particulate levels have reached or exceeded twenty-five micrograms per cubic meter, measured on a twenty-four hour average;

(B) Meteorological conditions have caused fine particulate levels to rise rapidly;

(C) Meteorological conditions are predicted to cause fine particulate levels to reach or exceed the (~~thirty-five~~) thirty micrograms per cubic meter, measured on a twenty-four hour average, within twenty-four hours; and

(D) Meteorological conditions are highly likely to prevent sufficient dispersion of fine particulate.

(2) Actions of the department and local air pollution control authorities under this section shall preempt actions of other state agencies and local governments for the purposes of controlling air pollution from solid fuel burning devices, except where authorized by chapter 199, Laws of 1991.

(3) The department or any local air pollution control authority that has called a second stage burn ban under the authority of subsection (1)(c)(ii) of this section shall, within ninety days, prepare a written report describing:

(a) The meteorological conditions that resulted in their calling the second stage burn ban;

(b) Whether the agency could have taken actions to avoid calling a second stage burn ban without calling a first stage burn ban; and

(c) Any changes the department or authority is making to its procedures of calling first stage and second stage burn bans to avoid calling a second stage burn ban without first calling a first stage burn ban.

After consulting with affected parties, the department shall prescribe the format of such a report and may also require additional information be included in the report. All reports shall be sent to the department and the department shall keep the reports on file for not less than five years and available for public inspection and copying in accordance with RCW 42.56.090.

((4) The department and local air pollution control authorities shall evaluate the effectiveness of the burn ban programs contained in this section in avoiding fine particulate levels to exceed thirty-five micrograms per cubic meter, measured on a twenty-four hour average, and provide a joint report of the results to the legislature by September 1, 2011.))

**Sec. 2.** RCW 70.94.477 and 2009 c 282 s 1 are each amended to read as follows:

(1) Unless allowed by rule under chapter 34.05 RCW, a person shall not cause or allow any of the following materials to be burned in any residential solid fuel burning device:

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- (a) Garbage;
- (b) Treated wood;
- (c) Plastics;
- (d) Rubber products;
- (e) Animals;
- (f) Asphaltic products;
- (g) Waste petroleum products;
- (h) Paints; or

(i) Any substance, other than properly seasoned fuel wood, which normally emits dense smoke or obnoxious odors.

(2) To achieve and maintain attainment in areas of nonattainment for fine particulates in accordance with section 172 of the federal clean air act, a local air pollution control authority or the department may, after meeting requirements in subsection (3) of this section, prohibit the use of solid fuel burning devices, except:

(a) Fireplaces as defined in RCW 70.94.453(3), except if needed to meet federal requirements as a contingency measure in a state implementation plan for a fine particulate nonattainment area;

(b) Woodstoves meeting the standards set forth in RCW 70.94.473(1)(b); or

(c) Pellet stoves.

(3) Prior to prohibiting the use of solid fuel burning devices under subsection (2) of this section, the department or the local air pollution control authority must:

(a) Seek input from any city, county, or jurisdictional health department affected by the proposal to prohibit the use of solid fuel burning devices; and

(b) Make written findings that:

(i) The area is designated as an area of nonattainment for fine particulate matter by the United States environmental protection agency, or is in maintenance status under that designation;

(ii) Emissions from solid fuel burning devices in the area are a major contributing factor for violating the national ambient air quality standard for fine particulates; and

(iii) The area has an adequately funded program to assist low-income households to secure an adequate source of heat, which may include woodstoves meeting the requirements of RCW 70.94.453(2).

(4) If and only if the nonattainment area is within the jurisdiction of the department and the legislative authority of a city or county within the area of nonattainment formally expresses concerns with the department's written findings, then the department must publish on the department's web site the reasons for prohibiting the use of solid fuel burning devices under subsection (2) of this section that includes a response to the concerns expressed by the city or county legislative authority.

(5) When a local air pollution control authority or the department prohibits the use of solid fuel burning devices as authorized by this section, the cities, counties, and jurisdictional health departments serving the area shall cooperate with the department or local air pollution control authority as the department or the local air pollution control authority implements the prohibition. ~~((However, cooperation shall not include enforcement of this prohibition.))~~ The responsibility for actual enforcement of the prohibition shall reside solely with the department or the local air pollution control authority. A city, county, or jurisdictional health department serving the area may agree to assist with enforcement activities.

(6) A prohibition issued by a local air pollution control authority or the department under this section shall not apply to a person in a residence or commercial establishment that does not have an adequate source of heat without burning wood.

(7) As used in this section(7):

(a) "Jurisdictional health department" means a city, county, city-county, or district public health department.

(b) "Prohibit the use" or "prohibition" may include requiring disclosure, removal, rendering inoperable, providing evidence of destruction, or other similar requirements as may be approved by rule by a local air pollution control authority or the department. However, except as provided in RCW 64.06.020 relating to the seller disclosure of wood burning appliances, any such prohibition may not include imposing separate time of sale obligations on the seller or buyer of real estate as part of a real estate transaction.

NEW SECTION. Sec. 3. A new section is added to chapter 70.94 RCW to read as follows:

(1) The department of ecology and local air pollution control authorities shall report back to the appropriate standing committees of the legislature by December 31, 2014, and every two years thereafter, on progress toward achieving attainment for areas of nonattainment that the revised burn ban and prohibition requirements contained in RCW 70.94.473 and 70.94.477 were enacted to address, as well as whether other implementation tools are necessary to achieve attainment.

(2) This section expires January 1, 2019."

On page 1, beginning on line 2 of the title, after "devices;" strike the remainder of the title and insert "amending RCW 70.94.473 and 70.94.477; adding a new section to chapter 70.94 RCW; and providing an expiration date."

The President declared the question before the Senate to be the motion by Senator Nelson that the committee striking amendment by the Committee on Environment to Substitute House Bill No. 2326 be not adopted.

The motion by Senator Nelson carried and the committee striking amendment was not adopted by voice vote.

#### MOTION

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

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.94.473 and 2008 c 40 s 1 are each amended to read as follows:

(1) Any person in a residence or commercial establishment which has an adequate source of heat without burning wood shall:

(a) Not burn wood in any solid fuel burning device whenever the department has determined under RCW 70.94.715 that any air pollution episode exists in that area;

(b) Not burn wood in any solid fuel burning device except those which are either Oregon department of environmental quality phase II or United States environmental protection agency certified or certified by the department under RCW 70.94.457(1) or a pellet stove either certified or issued an exemption by the United States environmental protection agency in accordance with Title 40, Part 60 of the code of federal regulations, in the geographical area and for the period of time that a first stage of impaired air quality has been determined, by the department or any authority, for that area.

(i) A first stage of impaired air quality is reached when forecasted meteorological conditions are predicted to cause fine particulate levels to exceed thirty-five micrograms per cubic meter, measured on a twenty-four hour average, within forty-eight hours, except for areas of fine particulate nonattainment or areas at risk for fine particulate nonattainment;

(ii) A first stage burn ban for impaired air quality may be called for a county containing fine particulate nonattainment areas or areas at risk for fine particulate nonattainment, and when feasible only for the necessary portions of the county, when forecasted meteorological conditions are predicted to cause fine particulate levels to reach or exceed thirty micrograms per cubic meter,

measured on a twenty-four hour average, within seventy-two hours; and

(c)(i) Not burn wood in any solid fuel burning device in a geographical area and for the period of time that a second stage of impaired air quality has been determined by the department or any authority, for that area. A second stage of impaired air quality is reached when a first stage of impaired air quality has been in force and has not been sufficient to reduce the increasing fine particulate pollution trend, fine particulates are at an ambient level of twenty-five micrograms per cubic meter measured on a twenty-four hour average, and forecasted meteorological conditions are not expected to allow levels of fine particulates to decline below twenty-five micrograms per cubic meter for a period of twenty-four hours or more from the time that the fine particulates are measured at the trigger level.

(ii) A second stage burn ban may be called without calling a first stage burn ban only when all of the following occur and shall require the department or the local air pollution control authority calling a second stage burn ban under this subsection to comply with the requirements of subsection ((4)) (3) of this section:

(A) Fine particulate levels have reached or exceeded twenty-five micrograms per cubic meter, measured on a twenty-four hour average;

(B) Meteorological conditions have caused fine particulate levels to rise rapidly;

(C) Meteorological conditions are predicted to cause fine particulate levels to exceed the thirty-five micrograms per cubic meter, measured on a twenty-four hour average, within twenty-four hours; and

(D) Meteorological conditions are highly likely to prevent sufficient dispersion of fine particulate.

(iii) In fine particulate nonattainment areas or areas at risk for fine particulate nonattainment, a second stage burn ban may be called for the county containing the nonattainment area or areas at risk for nonattainment, and when feasible only for the necessary portions of the county, without calling a first stage burn ban only when (c)(ii)(A), (B), and (D) of this subsection have been met and meteorological conditions are predicted to cause fine particulate levels to reach or exceed thirty micrograms per cubic meter, measured on a twenty-four hour average, within twenty-four hours.

(2) Actions of the department and local air pollution control authorities under this section shall preempt actions of other state agencies and local governments for the purposes of controlling air pollution from solid fuel burning devices, except where authorized by chapter 199, Laws of 1991.

(3) The department or any local air pollution control authority that has called a second stage burn ban under the authority of subsection (1)(c)(ii) of this section shall, within ninety days, prepare a written report describing:

(a) The meteorological conditions that resulted in their calling the second stage burn ban;

(b) Whether the agency could have taken actions to avoid calling a second stage burn ban without calling a first stage burn ban; and

(c) Any changes the department or authority is making to its procedures of calling first stage and second stage burn bans to avoid calling a second stage burn ban without first calling a first stage burn ban.

After consulting with affected parties, the department shall prescribe the format of such a report and may also require additional information be included in the report. All reports shall be sent to the department and the department shall keep the reports on file for not less than five years and available for public inspection and copying in accordance with RCW 42.56.090.

(4) ((The department and local air pollution control authorities shall evaluate the effectiveness of the burn ban programs contained

in this section in avoiding fine particulate levels to exceed thirty-five micrograms per cubic meter, measured on a twenty-four hour average, and provide a joint report of the results to the legislature by September 1, 2011.)) For the purposes of this act, an area at risk for nonattainment means an area where the three-year average of the annual ninety-eighth percentile of twenty-four hour fine particulate values is greater than twenty-nine micrograms per cubic meter, based on the years 2008 through 2010 monitoring data.

**Sec. 2.** RCW 70.94.477 and 2009 c 282 s 1 are each amended to read as follows:

(1) Unless allowed by rule under chapter 34.05 RCW, a person shall not cause or allow any of the following materials to be burned in any residential solid fuel burning device:

- (a) Garbage;
- (b) Treated wood;
- (c) Plastics;
- (d) Rubber products;
- (e) Animals;
- (f) Asphaltic products;
- (g) Waste petroleum products;
- (h) Paints; or

(i) Any substance, other than properly seasoned fuel wood, which normally emits dense smoke or obnoxious odors.

(2) To achieve and maintain attainment in areas of nonattainment for fine particulates in accordance with section 172 of the federal clean air act, a local air pollution control authority or the department may, after meeting requirements in subsection (3) of this section, prohibit the use of solid fuel burning devices, except:

(a) Fireplaces as defined in RCW 70.94.453(3), except if needed to meet federal requirements as a contingency measure in a state implementation plan for a fine particulate nonattainment area;

(b) Woodstoves meeting the standards set forth in RCW 70.94.473(1)(b); or

(c) Pellet stoves.

(3) Prior to prohibiting the use of solid fuel burning devices under subsection (2) of this section, the department or the local air pollution control authority must:

(a) Seek input from any city, county, or jurisdictional health department affected by the proposal to prohibit the use of solid fuel burning devices; and

(b) Make written findings that:

(i) The area is designated as an area of nonattainment for fine particulate matter by the United States environmental protection agency, or is in maintenance status under that designation;

(ii) Emissions from solid fuel burning devices in the area are a major contributing factor for violating the national ambient air quality standard for fine particulates; and

(iii) The area has an adequately funded program to assist low-income households to secure an adequate source of heat, which may include woodstoves meeting the requirements of RCW 70.94.453(2).

(4) If and only if the nonattainment area is within the jurisdiction of the department and the legislative authority of a city or county within the area of nonattainment formally expresses concerns with the department's written findings, then the department must publish on the department's web site the reasons for prohibiting the use of solid fuel burning devices under subsection (2) of this section that includes a response to the concerns expressed by the city or county legislative authority.

(5) When a local air pollution control authority or the department prohibits the use of solid fuel burning devices as authorized by this section, the cities, counties, and jurisdictional health departments serving the area shall cooperate with the department or local air pollution control authority as the department or the local air pollution control authority implements the prohibition. ~~((However, cooperation shall not include enforcement~~

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of this prohibition.) The responsibility for actual enforcement of the prohibition shall reside solely with the department or the local air pollution control authority. A city, county, or jurisdictional health department serving a fine particulate nonattainment area may agree to assist with enforcement activities.

~~person in a residence or commercial establishment that does not have an adequate source of heat without burning wood);~~

~~(a) A person in a residence or commercial establishment that does not have an adequate source of heat without burning wood; or~~

~~(b) A person with a shop or garage that is detached from the main residence or commercial establishment that does not have an adequate source of heat in the detached shop or garage without burning wood, provided that the person owns and operates a small business out of the detached shop or garage"~~

(6) A prohibition issued by a local air pollution control authority or the department under this section shall not apply to a person in a residence or commercial establishment that does not have an adequate source of heat without burning wood.

(7) As used in this section( ( ) ):

(a) "Jurisdictional health department" means a city, county, city-county, or district public health department.

(b) "Prohibit the use" or "prohibition" may include requiring disclosure, removal, rendering inoperable, providing evidence of destruction, or other similar requirements as may be approved by rule by a local air pollution control authority or the department for areas designated in nonattainment for fine particulates. However, except as provided in RCW 64.06.020 relating to the seller disclosure of wood burning appliances, any such prohibition may not include imposing separate time of sale obligations on the seller or buyer of real estate as part of a real estate transaction.

NEW SECTION. Sec. 3. A new section is added to chapter 70.94 RCW to read as follows:

(1) The department of ecology and local air pollution control authorities shall report back to the appropriate standing committees of the legislature by December 31, 2014, and every two years thereafter, on progress toward achieving attainment for areas of nonattainment that the revised burn ban and prohibition requirements contained in RCW 70.94.473 and 70.94.477 were enacted to address, as well as whether other implementation tools are necessary to achieve attainment.

(2) This section expires January 1, 2019."

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

MOTION

Senator King moved that the following amendment by Senators King and Nelson to the striking amendment be adopted:

On page 5, beginning on line 24 of the amendment, after "apply to" strike all material through "wood" on line 26 and insert "~~(a person in a residence or commercial establishment that does not have an adequate source of heat without burning wood);~~

(a) A person in a residence or commercial establishment that does not have an adequate source of heat without burning wood; or

(b) A person with a shop or garage that is detached from the main residence or commercial establishment that does not have an adequate source of heat in the detached shop or garage without burning wood"

Senators King and Nelson 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 Nelson on page 5, line 24 to the striking amendment to Substitute House Bill No. 2326.

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

MOTION

Senator King moved that the following amendment by Senator King to the striking amendment be adopted:

On page 5, beginning on line 24 of the amendment, after "apply to" strike all material through "wood" on line 26 and insert "~~(a~~

WITHDRAWAL OF AMENDMENT

On motion of Senator King, the amendment by Senator King on page 5, line 24 to the striking amendment to Substitute House Bill No. 2326 was withdrawn.

MOTION

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

On page 5, line 27 of the amendment, after "(7)" insert "On the effective date of this section, and prior to January 1, 2015, the local air pollution control authority or the department shall, within available resources, provide assistance to households using solid fuel burning devices to reduce the emissions from those devices or change out to a lower emission device. Prior to the effective date of a prohibition, as defined in this section, on the use of uncertified stoves, the department or local air pollution control authority shall provide public education in the nonattainment area regarding how households can reduce their emissions through cleaner burning practices, the importance of respecting burn bans, and the opportunities for assistance in obtaining a cleaner device. If the area is designated as a nonattainment area as of January 1, 2015, or if required by the United States environmental protection agency, the local air pollution control authority or the department may prohibit the use of uncertified devices.

(8)"

On page 5, beginning on line 30 of the amendment, after "(b)" strike all material through "particulates." on line 34 and insert ""Prohibit the use" or "prohibition" may include requiring disclosure of an uncertified device, removal, or rendering inoperable, as may be approved by rule by a local air pollution control authority or the department. The effective date of such a rule may not be prior to January 1, 2015."

Senators Carrell and Nelson 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 Carrell and others on page 5, line 27 to the striking amendment to Substitute House Bill No. 2326.

The motion by Senator Carrell 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 Hargrove and others as amended to Substitute House Bill No. 2326.

The motion by Senator Nelson 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, beginning on line 2 of the title, after "devices;" strike the remainder of the title and insert "amending RCW 70.94.473 and

70.94.477; adding a new section to chapter 70.94 RCW; and providing an expiration date."

#### MOTION

On motion of Senator Nelson, the rules were suspended, Substitute House Bill No. 2326 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 Nelson, Hargrove, Regala, Kastama and Conway spoke in favor of passage of the bill.

Senators Carrell, Roach, Sheldon and Morton spoke against passage of the bill.

#### MOTION

On motion of Senator Ericksen, Senators Becker and Litzow were excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2326 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2326 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 26; Nays, 21; Absent, 0; Excused, 2.

Voting yea: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Haugen, Hobbs, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes, Shin, Swecker and Tom

Voting nay: Senators Baumgartner, Benton, Carrell, Delvin, Ericksen, Fain, Hatfield, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens and Zarelli

Excused: Senators Becker and Litzow

SUBSTITUTE HOUSE BILL NO. 2326 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

On motion of Senator Eide, Substitute House Bill No. 2326 was immediately transmitted to the House of Representatives.

#### MOTION TO LIMIT DEBATE

Senator Eide: "Mr. President, I move that the members of the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through March 2, 2012."

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

The motion by Senator Eide carried and debate was limited through March 2, 2012 by voice vote.

#### SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2452, by House Committee on Ways & Means (originally sponsored by

Representatives Wylie, Alexander, Kenney, Haigh, Hunt, Hudgins, Harris, McCoy, Ryu, Hasegawa, Springer, Billig, Maxwell, Upthegrove and Ormsby)

Centralizing the authority and responsibility for the development, process, and oversight of state procurement of goods and services.

The measure was read the second time.

#### MOTION

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

Beginning on page 4, line 35, strike all of subsection (23)

Renumber the remaining subsection consecutively and correct any internal references accordingly.

On page 16, beginning on line 4, strike all of section 21

Renumber the remaining sections consecutively and correct any internal references accordingly.

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

Senator Pridemore spoke against adoption of the amendment.

Senator Eide demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Holmquist Newbry and others on page 4, line 35 to Second Substitute House Bill No. 2452.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Holmquist Newbry and others and the amendment was adopted by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hargrove, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Baumgartner, Brown, Chase, Conway, Eide, Fraser, Frockt, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

#### MOTION

On motion of Senator Pridemore, the rules were suspended, Second Substitute House Bill No. 2452 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 Pridemore and Swecker spoke in favor of passage of the bill.

Senator Baumgartner spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2452 as amended by the Senate.

#### ROLL CALL

FIFTY FOURTH DAY, MARCH 2, 2012

2012 REGULAR SESSION

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2452 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 39; Nays, 10; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, Brown, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hill, Hobbs, Holmquist Newbry, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Baumgartner, Carrell, Ericksen, Hewitt, Honeyford, King, Padden, Parlette, Stevens and Zarelli

SECOND SUBSTITUTE HOUSE BILL NO. 2452 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

HOUSE BILL NO. 2308, by Representatives Rodne and Pedersen

Regulating awarding of costs, including attorneys' fees, in actions challenging actions taken by professional peer review bodies.

The measure was read the second time.

MOTION

Senator Kline moved that the following committee striking amendment by the Committee on Judiciary be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 7.71.030 and 1987 c 269 s 3 are each amended to read as follows:

(1) This section shall provide the exclusive remedy for any action taken by a professional peer review body of health care providers as defined in RCW 7.70.020, that is found to be based on matters not related to the competence or professional conduct of a health care provider.

(2) Actions shall be limited to appropriate injunctive relief, and damages shall be allowed only for lost earnings directly attributable to the action taken by the professional peer review body, incurred between the date of such action and the date the action is functionally reversed by the professional peer review body.

(3) Reasonable attorneys' fees and costs (~~as approved by the court~~) shall be awarded (~~to the prevailing party, if any, as determined~~) if approved by the court under section 2 of this act.

(4) The statute of limitations for actions under this section shall be one year from the date of the action of the professional peer review body.

NEW SECTION. Sec. 2. A new section is added to chapter 7.71 RCW to read as follows:

(1) Except as provided for in subsection (2) of this section, at the conclusion of an action under RCW 7.71.030 the court shall award to the substantially prevailing party the costs of the suit attributable to any claim or defense asserted in the action by the nonprevailing party, including reasonable attorneys' fees, if the nonprevailing party's claim, defense, or conduct was frivolous, unreasonable, without foundation, or in bad faith.

(2) At the conclusion of an action under RCW 7.71.030 the court shall award to the substantially prevailing defendant the cost of the suit, including reasonable attorneys' fees, if the nonprevailing

plaintiff failed to first exhaust all administrative remedies available before the professional peer review body.

(3) A party shall not be considered to have substantially prevailed if the opposing party obtains an award for damages or permanent injunctive relief under this chapter."

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

MOTION

On motion of Senator Holmquist Newbry, Senator Ericksen was excused.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Judiciary to House Bill No. 2308.

The motion by Senator Kline 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 "bodies;" strike the remainder of the title and insert "amending RCW 7.71.030; and adding a new section to chapter 7.71 RCW."

MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 2308 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 Kline and Pflug 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. 2308 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2308 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

HOUSE BILL NO. 2308 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

On motion of Senator Harper, Senators Brown and Kastama were excused.

SECOND READING

SENATE BILL NO. 6600, by Senator Eide

Extending property tax exemptions to property used exclusively by certain nonprofit organizations that is leased from an entity that acquired the property from a previously exempt nonprofit organization.

#### MOTIONS

On motion of Senator Murray, Substitute Senate Bill No. 6600 was substituted for Senate Bill No. 6600 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Murray, the rules were suspended, Substitute Senate Bill No. 6600 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Murray 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. 6600.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6600 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Brown and Kastama

SUBSTITUTE SENATE BILL NO. 6600, 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. 5950, by Senators Roach and Conway

Regulating nonstate pension plans offered by towns.

The measure was read the second time.

#### MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 5950 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Roach 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. 5950.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5950 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs,

Holmquist Newbry, Honeyford, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Brown and Kastama

SENATE BILL NO. 5950, 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. 6598, by Senators Ericksen, Haugen, Holmquist Newbry, Harper, Rolfes, King, Becker, Hatfield, Morton, Litzow, Schoesler and Hewitt

Concerning property tax exemptions for nonprofit fair associations in rural counties.

#### MOTIONS

On motion of Senator Ericksen, Substitute Senate Bill No. 6598 was substituted for Senate Bill No. 6598 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Ericksen, the rules were suspended, Substitute Senate Bill No. 6598 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Ericksen 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. 6598.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6598 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Brown and Kastama

SUBSTITUTE SENATE BILL NO. 6598, 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

SUBSTITUTE HOUSE BILL NO. 2261, by House Committee on Judiciary (originally sponsored by Representatives Takko, Reykdal, Orcutt, Wilcox, Jinkins, Finn and Hudgins)

Providing limited immunity for organizations making charitable donations of eye glasses or hearing instruments.

The measure was read the second time.

#### MOTION

FIFTY FOURTH DAY, MARCH 2, 2012

2012 REGULAR SESSION

Senator Padden moved that the following striking amendment by Senators Padden and Keiser be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 4.24 RCW to read as follows:

(1) A charitable organization is not liable for any civil damages arising out of any act or omission, other than acts or omissions constituting gross negligence or willful or wanton misconduct, associated with providing previously owned eyeglasses or hearing instruments to a person if:

(a) The person is at least fourteen years of age; and

(b) The eyeglasses or hearing instruments are provided to the person without compensation or the expectation of compensation.

(2) The immunity provided by subsection (1) of this section applies to eyeglasses only if the eyeglasses are provided by a physician licensed under chapter 18.71 RCW, an osteopathic physician licensed under chapter 18.57 RCW, an optometrist licensed under chapter 18.53 RCW, or an optician licensed under chapter 18.34 RCW who has:

(a) Personally examined the person who will receive the eyeglasses; or

(b) Personally consulted with the licensed physician, osteopathic physician, or optometrist who examined the person who will receive the eyeglasses.

(3) The immunity provided by subsection (1) of this section applies to eyeglasses if the eyeglasses are provided by a physician's or optician's optical assistant who has personally consulted with the licensed physician, osteopathic physician, or optometrist who examined the person who will receive the eyeglasses.

(4) The immunity provided by subsection (1) of this section applies to hearing instruments only if the hearing instruments are provided by a physician licensed under chapter 18.71 RCW, an osteopathic physician licensed under chapter 18.57 RCW, or hearing health care professional licensed under chapter 18.35 RCW who has:

(a) Personally examined the person who will receive the hearing instruments; or

(b) Personally consulted with the licensed physician, osteopathic physician, or hearing health care professional who has examined the person who will receive the hearing instruments.

(5) For purposes of this section, "charitable organization" means an organization:

(a) That regularly engages in or provides financial support for some form of benevolent or charitable activity with the purpose of doing good to others rather than for the convenience of its members;

(b) In which no part of the organization's income is distributable to its members, directors, or officers; and

(c) In which no member, director, officer, agent, or employee is paid, or directly receives, in the form of salary or other compensation, an amount beyond that which is just and reasonable compensation commonly paid for such services rendered and which has been fixed and approved by the members, directors, or other governing body of the organization."

Senators Padden and Keiser 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 Padden and Keiser to Substitute House Bill No. 2261.

The motion by Senator Padden 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 "instruments;" strike the remainder of the title and insert "and adding a new section to chapter 4.24 RCW."

MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 2261 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 Keiser spoke in favor of passage of the bill.

MOTION

On motion of Senator Holmquist Newbry, Senator Ericksen was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2261 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2261 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Ericksen

SUBSTITUTE HOUSE BILL NO. 2261 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

SUBSTITUTE HOUSE BILL NO. 2239, by House Committee on Judiciary (originally sponsored by Representatives Pedersen, Goodman, Rodne and Hudgins)

Establishing social purpose corporations.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Substitute House Bill No. 2239 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline, Pflug and Frockt spoke in favor of passage of the bill.

Senator Padden spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2239.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2239 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Senators Brown, Chase, Conway, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hobbs, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Hill, Holmquist Newbry, Honeyford, King, Morton, Padden, Parlette, Roach and Stevens

Excused: Senator Ericksen

SUBSTITUTE HOUSE BILL NO. 2239, 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. 2301, by House Committee on Business & Financial Services (originally sponsored by Representatives Green, Kirby, Pettigrew, Condotta and Jinkins)

Concerning boxing, martial arts, and wrestling. Revised for 1st Substitute: Concerning mixed martial arts, boxing, martial arts, and wrestling.

The measure was read the second time.

## MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Substitute House Bill No. 2301 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2301.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2301 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Brown, Carrell, Chase, Conway, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Benton, Delvin, Holmquist Newbry, Honeyford and Stevens

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2301, 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 advanced to the eighth order of business.

## MOTION

Senator Conway moved adoption of the following resolution:

SENATE RESOLUTION  
8702

By Senators Conway, Honeyford, Fraser, Baumgartner, Keiser, Nelson, Regala, Kohl-Welles, McAuliffe, Chase, Shin, Prentice, Holmquist Newbry, Padden, Harper, Brown, Rolfes, Morton, Delvin, Roach, Swecker, Pflug, King, Litzow, Eide, Hill, Fain, and Zarelli

WHEREAS, The history of the automobile is intrinsically linked to the history of America; and

WHEREAS, Nowhere in our state will this link be made more apparent than when LeMay - America's Car Museum opens its doors to the public in June; and

WHEREAS, Lifelong Washingtonians Harold and Nancy LeMay amassed the largest privately owned collection of automobiles, other vehicles, and related memorabilia in the world; and

WHEREAS, At its peak, the LeMay Collection numbered in excess of 3,000 vehicles and thousands of artifacts; and

WHEREAS, The collection is broadly American and spans the 20th Century powerfully demonstrating both the dominance of the American auto industry in that time period as well as the American experience with the automobile; and

WHEREAS, The realization of the museum is a project fifteen years in the making; and

WHEREAS, It will be the largest private automotive museum in the world with a 165,000 square foot building and nine and one-half acre campus located near the Tacoma Dome; and

WHEREAS, The museum will bring more than 400,000 visitors to Tacoma annually and have an economic impact on the region and local businesses expected to exceed \$34 million dollars annually; and

WHEREAS, The museum has brought worldwide attention to the area through its presence in automotive events in Detroit, New York, Florida, and Italy among others; and

WHEREAS, Automotive press outlets throughout the country have made mention of the museum through articles appearing in the New York Times, Washington Post, Architectural Digest, Forbes, AutoWeek, Automobile, Road and Track, and others; and

WHEREAS, The museum's Grand Opening has been identified as "One of the Top 8 Attraction Openings in the World" by USA TODAY;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate congratulates the LeMay - America's Car Museum for completion of this ambitious project during difficult economic times; and

BE IT FURTHER RESOLVED, That the Senate recognizes the museum's board of directors, staff, the City of Tacoma, and Harold and Nancy LeMay all for their tireless work to make a dream a reality; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to representatives from LeMay - America's Car Museum.

Senators Conway, Fraser, Becker, King, Chase, McAuliffe, Hewitt, Sheldon, Holmquist Newbry, Honeyford, Benton and Carrell spoke in favor of adoption of the resolution.

FIFTY FOURTH DAY, MARCH 2, 2012

2012 REGULAR SESSION

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8702.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced representatives of the LeMay Car Museum in Tacoma who were seated in the gallery.

MOTION

At 11:41 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:18 p.m. by President Owen.

MOTION

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

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2592, by House Committee on Early Learning & Human Services (originally sponsored by Representatives Roberts, Haler, Carlyle, Hinkle, Reykdal, Pettigrew, Walsh, Wylie, Kagi, Darneille, Kelley, Kenney and Tharinger)

Concerning extended foster care services.

The measure was read the second time.

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute House Bill No. 2592 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Hill spoke in favor of passage of the bill.

MOTION

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2592.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2592 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Pflug,

Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Holmquist Newbry and Padden

Excused: Senators Brown and Prentice

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2592, 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. 2502, by House Committee on Ways & Means (originally sponsored by Representatives Hansen and Appleton)

Modifying exceptions to the compensating tax provisions for removal from forest land classification to more closely parallel open space property tax provisions.

The measure was read the second time.

MOTION

On motion of Senator Rolfes, the rules were suspended, Engrossed Substitute House Bill No. 2502 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rolfes spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2502.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2502 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Prentice

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2502, 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. 2586, by House Committee on Ways & Means (originally sponsored by Representatives Kagi, Maxwell, Ladenburg, Dammeier, Kenney and Tharinger)

Phasing-in statewide implementation of the Washington kindergarten inventory of developing skills.

The measure was read the second time.

MOTION

Senator McAuliffe moved that the following committee striking amendment by the Committee on Ways & Means be not adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.150.315 and 2011 c 340 s 1 are each amended to read as follows:

(1) Beginning with the 2007-08 school year, funding for voluntary all-day kindergarten programs shall be phased-in beginning with schools with the highest poverty levels, defined as those schools with the highest percentages of students qualifying for free and reduced-price lunch support in the prior school year. During the 2011-2013 biennium, funding shall continue to be phased-in each year until full statewide implementation of all-day kindergarten is achieved in the 2017-18 school year. Once a school receives funding for the all-day kindergarten program, that school shall remain eligible for funding in subsequent school years regardless of changes in the school's percentage of students eligible for free and reduced-price lunches as long as other program requirements are fulfilled. Additionally, schools receiving all-day kindergarten program support shall agree to the following conditions:

- (a) Provide at least a one thousand-hour instructional program;
- (b) Provide a curriculum that offers a rich, varied set of experiences that assist students in:
  - (i) Developing initial skills in the academic areas of reading, mathematics, and writing;
  - (ii) Developing a variety of communication skills;
  - (iii) Providing experiences in science, social studies, arts, health and physical education, and a world language other than English;
  - (iv) Acquiring large and small motor skills;
  - (v) Acquiring social and emotional skills including successful participation in learning activities as an individual and as part of a group; and
  - (vi) Learning through hands-on experiences;
- (c) Establish learning environments that are developmentally appropriate and promote creativity;
- (d) Demonstrate strong connections and communication with early learning community providers; and
- (e) Participate in kindergarten program readiness activities with early learning providers and parents.

(2)(a) In addition to the requirements in subsection (1) of this section and to the extent funds are available, beginning with the 2011-12 school year on a voluntary basis, schools must identify the skills, knowledge, and characteristics of kindergarten students at the beginning of the school year in order to support social-emotional, physical, and cognitive growth and development of individual children; support early learning provider and parent involvement; and inform instruction. Kindergarten teachers shall administer the Washington kindergarten inventory of developing skills, as directed by the superintendent of public instruction in consultation with the department of early learning and in collaboration with the nongovernmental private-public partnership designated in RCW 43.215.070, and report the results to the superintendent. The superintendent shall share the results with the director of the department of early learning.

(b) School districts shall provide an opportunity for parents and guardians to excuse their children from participation in the Washington kindergarten inventory of developing skills.

((c) To the extent funds are available, beginning in the 2012-13 school year, the Washington kindergarten inventory of developing skills shall be administered at the beginning of the school year to all students enrolled in state-funded full-day kindergarten programs with the exception of students who have been excused from participation by their parents or guardians.

(d) Until full implementation of state-funded all-day kindergarten, the superintendent of public instruction, in consultation with the director of the department of early learning, may grant annual, renewable waivers from the requirement of (c) of this subsection to administer the Washington kindergarten inventory of developing skills. A school district seeking a waiver for one or more of its schools must submit an application to the office of the superintendent of public instruction that includes:

- (i) A description of the kindergarten readiness assessment and transition processes that it proposes to administer instead of the Washington kindergarten inventory of developing skills;
- (ii) An explanation of why the administration of the Washington kindergarten inventory of developing skills would be unduly burdensome; and
- (iii) An explanation of how administration of the alternative kindergarten readiness assessment will support social-emotional, physical, and cognitive growth and development of individual children; support early learning provider and parent involvement; and inform instruction.)

(3) Subject to funds appropriated for this purpose, the superintendent of public instruction shall designate one or more school districts to serve as resources and examples of best practices in designing and operating a high-quality all-day kindergarten program. Designated school districts shall serve as lighthouse programs and provide technical assistance to other school districts in the initial stages of implementing an all-day kindergarten program. Examples of topics addressed by the technical assistance include strategic planning, developing the instructional program and curriculum, working with early learning providers to identify students and communicate with parents, and developing kindergarten program readiness activities.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28A.655 RCW to read as follows:

(1) To the extent funds are available, beginning in the 2012-13 school year, the Washington kindergarten inventory of developing skills shall be administered at the beginning of the school year to all students enrolled in state-funded full-day kindergarten programs under RCW 28A.150.315 with the exception of students who have been excused from participation by their parents or guardians.

(2)(a) The superintendent of public instruction, in consultation with the department of early learning, shall convene a work group to provide:

- (i) Input and recommendations with respect to implementation of the Washington kindergarten inventory of developing skills; and
- (ii) Recommendations regarding the optimum way to administer the Washington kindergarten inventory of developing skills to children in half-day kindergarten while ensuring that they receive the maximum instruction as required in RCW 28A.150.205.

(b) The work group shall include:

- (i) One representative from the office of the superintendent of public instruction;
- (ii) One representative from the department of early learning;
- (iii) One representative from the nongovernmental private-public partnership defined in RCW 43.215.010;
- (iv) Five representatives, including both teachers and principals, from school districts that participated in the pilot project, with every effort made to make sure that there is representation from across the state;

(v) Two parents who are familiar with and participated in the Washington kindergarten inventory of developing skills pilot during the 2010-11 school year; and

(vi) A representative from an independent, nonprofit children's and family services organization with a main campus in North Bend, Washington.

(c) A preliminary report and recommendations shall be submitted to the education committees of the senate and the house of

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representatives by December 1, 2012. A subsequent report and recommendations shall be submitted to the education committees of the senate and the house of representatives by December 1, 2013, and annually by December 1st thereafter.

(d) The work group shall terminate upon full statewide implementation of all-day kindergarten.

(3) To the extent funds are available, additional support in the form of implementation grants shall be offered to schools on a schedule to be determined by the office of superintendent of public instruction, in consultation with the department of early learning.

(4) Until full statewide implementation of the Washington kindergarten inventory of developing skills, the superintendent of public instruction, in consultation with the director of the department of early learning, may grant annual, renewable waivers from the requirement of subsection (1) of this section to administer the Washington kindergarten inventory of developing skills. A school district seeking a waiver for one or more of its schools must submit an application to the office of the superintendent of public instruction that includes:

(a) A description of the kindergarten readiness assessment and transition processes that it proposes to administer instead of the Washington kindergarten inventory of developing skills;

(b) An explanation of why the administration of the Washington kindergarten inventory of developing skills would be unduly burdensome; and

(c) An explanation of how administration of the alternative kindergarten readiness assessment will support social-emotional, physical, and cognitive growth and development of individual children; support early learning provider and parent involvement; and inform instruction.

(5) A waiver from the requirement to administer the Washington kindergarten inventory of developing skills obtained by a school district may become an ongoing waiver if the school district can show, on an annual basis:

(a) That the data derived from the administration of the alternative kindergarten readiness assessment meets the criteria of the Washington kindergarten inventory of developing skills as determined by the department of early learning and the office of the superintendent of public instruction; and

(b) That the same information is collected from all kindergarten students consistent with the criteria of the Washington kindergarten inventory of developing skills and is reported to the superintendent as required under RCW 28A.150.315(2)(a).

**NEW SECTION. Sec. 3.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2012, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "skills;" strike the remainder of the title and insert "amending RCW 28A.150.315; adding a new section to chapter 28A.655 RCW; and creating a new section."

The President declared the question before the Senate to be the motion by Senator McAuliffe to not adopt the committee striking amendment by the Committee on Ways & Means to Engrossed Substitute House Bill No. 2586.

The motion by Senator McAuliffe carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator McAuliffe moved that the following striking amendment by Senators McAuliffe and Litzow be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.150.315 and 2011 c 340 s 1 are each amended to read as follows:

(1) Beginning with the 2007-08 school year, funding for voluntary all-day kindergarten programs shall be phased-in beginning with schools with the highest poverty levels, defined as those schools with the highest percentages of students qualifying for free and reduced-price lunch support in the prior school year. During the 2011-2013 biennium, funding shall continue to be phased-in each year until full statewide implementation of all-day kindergarten is achieved in the 2017-18 school year. Once a school receives funding for the all-day kindergarten program, that school shall remain eligible for funding in subsequent school years regardless of changes in the school's percentage of students eligible for free and reduced-price lunches as long as other program requirements are fulfilled. Additionally, schools receiving all-day kindergarten program support shall agree to the following conditions:

(a) Provide at least a one thousand-hour instructional program;

(b) Provide a curriculum that offers a rich, varied set of experiences that assist students in:

(i) Developing initial skills in the academic areas of reading, mathematics, and writing;

(ii) Developing a variety of communication skills;

(iii) Providing experiences in science, social studies, arts, health and physical education, and a world language other than English;

(iv) Acquiring large and small motor skills;

(v) Acquiring social and emotional skills including successful participation in learning activities as an individual and as part of a group; and

(vi) Learning through hands-on experiences;

(c) Establish learning environments that are developmentally appropriate and promote creativity;

(d) Demonstrate strong connections and communication with early learning community providers; and

(e) Participate in kindergarten program readiness activities with early learning providers and parents.

(2)(a) It is the intent of the legislature that administration of the Washington kindergarten inventory of developing skills as required in this subsection (2) and section 2 of this act replace administration of other assessments being required by school districts or that other assessments only be administered if they seek to obtain information not covered by the Washington kindergarten inventory of developing skills.

(b) In addition to the requirements in subsection (1) of this section and to the extent funds are available, beginning with the 2011-12 school year on a voluntary basis, schools must identify the skills, knowledge, and characteristics of kindergarten students at the beginning of the school year in order to support social-emotional, physical, and cognitive growth and development of individual children; support early learning provider and parent involvement; and inform instruction. Kindergarten teachers shall administer the Washington kindergarten inventory of developing skills, as directed by the superintendent of public instruction in consultation with the department of early learning and in collaboration with the nongovernmental private-public partnership designated in RCW 43.215.070, and report the results to the superintendent. The superintendent shall share the results with the director of the department of early learning.

((b)) (c) School districts shall provide an opportunity for parents and guardians to excuse their children from participation in the Washington kindergarten inventory of developing skills.

((c) To the extent funds are available, beginning in the 2012-13 school year, the Washington kindergarten inventory of developing skills shall be administered at the beginning of the school year to all students enrolled in state-funded full-day kindergarten programs

with the exception of students who have been excused from participation by their parents or guardians.

(d) Until full implementation of state-funded all-day kindergarten, the superintendent of public instruction, in consultation with the director of the department of early learning, may grant annual, renewable waivers from the requirement of (c) of this subsection to administer the Washington kindergarten inventory of developing skills. A school district seeking a waiver for one or more of its schools must submit an application to the office of the superintendent of public instruction that includes:

(i) A description of the kindergarten readiness assessment and transition processes that it proposes to administer instead of the Washington kindergarten inventory of developing skills;

(ii) An explanation of why the administration of the Washington kindergarten inventory of developing skills would be unduly burdensome; and

(iii) An explanation of how administration of the alternative kindergarten readiness assessment will support social-emotional, physical, and cognitive growth and development of individual children; support early learning provider and parent involvement; and inform instruction.)

(3) Subject to funds appropriated for this purpose, the superintendent of public instruction shall designate one or more school districts to serve as resources and examples of best practices in designing and operating a high-quality all-day kindergarten program. Designated school districts shall serve as lighthouse programs and provide technical assistance to other school districts in the initial stages of implementing an all-day kindergarten program. Examples of topics addressed by the technical assistance include strategic planning, developing the instructional program and curriculum, working with early learning providers to identify students and communicate with parents, and developing kindergarten program readiness activities.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28A.655 RCW to read as follows:

(1) To the extent funds are available, beginning in the 2012-13 school year, the Washington kindergarten inventory of developing skills shall be administered at the beginning of the school year to all students enrolled in state-funded full-day kindergarten programs under RCW 28A.150.315 with the exception of students who have been excused from participation by their parents or guardians.

(2)(a) The superintendent of public instruction, in consultation with the department of early learning, shall convene a work group to provide:

(i) Input and recommendations with respect to implementation of the Washington kindergarten inventory of developing skills;

(ii) Recommendations regarding the optimum way to administer the Washington kindergarten inventory of developing skills to children in half-day kindergarten while ensuring that they receive the maximum instruction as required in RCW 28A.150.205; and

(iii) Recommendations with respect to achieving the goal of replacing assessments currently required by school districts with the Washington kindergarten inventory of developing skills.

(b) The work group shall include:

(i) One representative from the office of the superintendent of public instruction;

(ii) One representative from the department of early learning;

(iii) One representative from the nongovernmental private-public partnership defined in RCW 43.215.010;

(iv) Five representatives, including both teachers and principals, from school districts that participated in the pilot project, with every effort made to make sure that there is representation from across the state;

(v) Two parents who are familiar with and participated in the Washington kindergarten inventory of developing skills pilot during the 2010-11 school year; and

(vi) A representative from an independent, nonprofit children and family services organization with a main campus in North Bend, Washington.

(c) The work group may solicit input from people who are recent implementers of the Washington kindergarten inventory of developing skills.

(d) A preliminary report and recommendations shall be submitted to the education committees of the senate and the house of representatives by December 1, 2012. A subsequent report and recommendations shall be submitted to the education committees of the senate and the house of representatives by December 1, 2013, and annually by December 1st thereafter.

(e) The work group shall terminate upon full statewide implementation of all-day kindergarten.

(3) To the extent funds are available, additional support in the form of implementation grants shall be offered to schools on a schedule to be determined by the office of superintendent of public instruction, in consultation with the department of early learning.

(4) Until full statewide implementation of all-day kindergarten programs, the superintendent of public instruction, in consultation with the director of the department of early learning, may grant annual, renewable waivers from the requirement of subsection (1) of this section to administer the Washington kindergarten inventory of developing skills. A school district seeking a waiver for one or more of its schools must submit an application to the office of the superintendent of public instruction that includes:

(a) A description of the kindergarten readiness assessment and transition processes that it proposes to administer instead of the Washington kindergarten inventory of developing skills;

(b) An explanation of why the administration of the Washington kindergarten inventory of developing skills would be unduly burdensome; and

(c) An explanation of how administration of the alternative kindergarten readiness assessment will support social-emotional, physical, and cognitive growth and development of individual children; support early learning provider and parent involvement; and inform instruction.

**NEW SECTION. Sec. 3.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2012, in the omnibus appropriations act, this act is null and void."

Senator McAuliffe 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 McAuliffe and Litzow to Engrossed Substitute House Bill No. 2586.

The motion by Senator McAuliffe 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 "skills;" strike the remainder of the title and insert "amending RCW 28A.150.315; adding a new section to chapter 28A.655 RCW; and creating a new section."

#### MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed Substitute House Bill No. 2586 as amended by the

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Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe, Litzow and Baumgartner spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2586 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2586 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 Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Pflug, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Holmquist Newbry, Padden, Roach, Stevens and Zarelli

Excused: Senator Prentice

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2586 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 HOUSE BILL NO. 2814, by Representatives Clibborn, Armstrong, Eddy and Springer

Concerning the replacement of certain elements of the state route number 520 corridor.

The measure was read the second time.

#### MOTION

Senator Ericksen moved that the following amendment by Senator Ericksen be adopted:

On page 2, line 25, after "state.", strike all material through "sinking." on line 30 and insert the following:

"It is the intent of the legislature to utilize the underlying bill as it is to be applied in the city of Seattle after final passage as a model for statewide application."

Senator Ericksen spoke in favor of adoption of the amendment.

Senators Haugen and Frockt spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Ericksen on page 2, line 25 to Engrossed House Bill No. 2814.

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

#### MOTION

Senator Ericksen moved that the following amendment by Senator Ericksen be adopted:

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On page 4, line 30, after "Medina.", strike all material through the end of line 3 on page 5.

Senator Ericksen spoke in favor of adoption of the amendment.

Senator Haugen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Ericksen on page 4, line 30 to Engrossed House Bill No. 2814.

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

#### MOTION

Senator Ericksen moved that the following amendment by Senator Ericksen be adopted:

On page 8, line 15, after "state.", strike all material in lines 16 through 19, and insert

**NEW SECTION. Sec. 3** This act shall be null and void until a law is enacted which provides that all projects may begin construction twenty-one days from the date of filing of a substantial development permit.

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 1, line 3 of the title, after "section;", strike "providing an expiration date; and declaring an emergency" insert "and providing an expiration date"

Senators Ericksen and Holmquist Newbry spoke in favor of adoption of the amendment.

Senators Haugen and Frockt spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Ericksen on page 8, line 15 to Engrossed House Bill No. 2814.

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

#### MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed House Bill No. 2814 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and King spoke in favor of passage of the bill.

Senator Erickson spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2814.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2814 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Chase, Conway, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Pflug, Prentice, Pridemore, Regala, Rolfes, Shin, Swecker and Tom

Voting nay: Senators Baumgartner, Becker, Carrell, Delvin, Ericksen, Holmquist Newbry, Honeyford, Morton, Padden, Parlette, Ranker, Roach, Schoesler, Sheldon, Stevens and Zarelli

ENGROSSED HOUSE BILL NO. 2814, 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

SUBSTITUTE HOUSE BILL NO. 2194, by House Committee on Judiciary (originally sponsored by Representatives Pedersen, Rodne, Goodman and Kenney)

Modifying the manufactured/mobile home landlord tenant act and other related provisions.

The measure was read the second time.

#### MOTION

On motion of Senator Hobbs, the rules were suspended, Substitute House Bill No. 2194 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2194.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2194 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Holmquist Newbry, Honeyford and Stevens

SUBSTITUTE HOUSE BILL NO. 2194, 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 Harper, Senator Regala was excused.

#### SECOND READING

HOUSE BILL NO. 2195, by Representatives Rivers, Pedersen, Rodne, Goodman and Kelley

Enacting the uniform interstate depositions and discovery act.

The measure was read the second time.

#### MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 2195 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Pflug 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. 2195.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2195 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Regala

HOUSE BILL NO. 2195, 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. 2318, by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Hinkle, Bailey and Jinkins)

Concerning shared decision making.

The measure was read the second time.

#### MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute House Bill No. 2318 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Becker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2318.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2318 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Holmquist Newbry and Stevens

Excused: Senator Regala

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2318, 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.

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ENGROSSED SUBSTITUTE HOUSE BILL NO. 2229, by House Committee on Health Care & Wellness (originally sponsored by Representatives Jinkins, Hasegawa, Darneille, Wylie, Cody and Roberts)

Regarding reporting compensation of certain hospital employees.

The measure was read the second time.

## MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute House Bill No. 2229 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.

## MOTION

On motion of Senator Harper, Senator Ranker was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2229.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2229 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Honeyford and Stevens

Excused: Senator Ranker

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2229, 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

SUBSTITUTE HOUSE BILL NO. 2640, by House Committee on Community & Economic Development & Housing (originally sponsored by Representatives Smith, Kenney, Warnick, Finn, Walsh, Orcutt and Kelley)

Emphasizing cost-effectiveness in the housing trust fund.

The measure was read the second time.

## MOTION

Senator Tom moved that the following amendment by Senators Tom and Hobbs be adopted:

On page 2, line 11, after "manner." insert "If total cost and per-unit costs are a factor to consider in awarding funds in a cost-effective manner, these costs must include maintenance and energy life-cycle costs.

Senator Tom spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Tom and Hobbs on page 2, line 11 to Substitute House Bill No. 2640.

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

## MOTION

On motion of Senator Hobbs, the rules were suspended, Substitute House Bill No. 2640 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 Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2640 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2640 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Ranker

SUBSTITUTE HOUSE BILL NO. 2640 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. 2570, by House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Goodman, Hurst and Ross)

Addressing metal property theft.

The measure was read the second time.

## MOTION

Senator Kline moved that the following committee striking amendment by the Committee on Judiciary be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The task force on commercial and nonferrous metal property theft is established. For purposes of this section, "commercial metal property," "nonferrous metal property," and "scrap metal business" have the same meanings as defined in RCW 19.290.010.

(2) The purpose of the task force is to formulate suggestions for state policy regarding regulation of commercial and nonferrous metal property theft.

(3) The task force shall consist of the following members:

(a) A representative of a national trade association or other organization that represents scrap metal recycling businesses, such as the institute of scrap metal recycling industries incorporated or its successor organization or another entity representing comparable interests;

(b) A scrap metal business located in Washington who is appointed by and a member of the institute of scrap recycling industries, or its successor organization and whose primary business location is located in a city with a minimum population more than five hundred thousand;

(c) A scrap metal business located in Washington who is appointed by and a member of the institute of scrap recycling industries, or its successor organization and whose primary business location is located in a city with a maximum population less than five hundred thousand;

(d) One investor-owned utility, as defined in RCW 19.29A.010, whose service territory is predominately located on the western side of the Cascade mountain range;

(e) One investor-owned utility, as defined in RCW 19.29A.010, whose service territory is predominately located on the eastern side of the Cascade mountain range;

(f) A consumer-owned utility, as defined in RCW 19.29A.010;

(g) A municipally owned utility;

(h) A representative of the Washington department of transportation;

(i) A representative of the Washington state prosecutors association;

(j) A representative of the Washington state patrol;

(k) A representative from a city with a population of less than five hundred thousand;

(l) A representative from a city with a population of more than five hundred thousand;

(m) A representative of a law enforcement agency, appointed by the Washington council of police and sheriffs;

(n) A representative from the Washington association of sheriffs and police chiefs;

(o) A representative from a county appointed by the Washington state association of counties;

(p) A representative of the broadband and cable telecommunications industry;

(q) A representative of the wireless telecommunications industry;

(r) A representative of the wireline telecommunications industry;

(s) A representative from the Washington state emergency communications committee;

(t) A representative from the AM/FM radio communications industry;

(u) A representative from the Washington state farm bureau; and

(v) A representative of crime victims, appointed by the office of crime victims advocacy.

(4) The task force shall elect a chair and organize itself in a manner, and adopt rules of procedure that it determines are most conducive to the timely completion of its charge.

(5) In conducting its study, the task force shall consider, at a minimum, the following issues:

(a) Penalties, both criminal and civil, for theft of commercial and nonferrous metal property including, but not limited to, issues such as categorization of crimes, trespass, organized commercial metal property theft, and aggregation of crimes;

(b) Valuation in the criminal prosecution of theft of commercial and nonferrous metal property, where the actual damages of the theft may greatly exceed the value of the stolen property;

(c) The role of local governments in policing and prosecuting theft of commercial and nonferrous property;

(d) Restrictions on cash purchases of commercial and nonferrous metal property;

(e) Private rights of action to prosecute theft of commercial and nonferrous metal property;

(f) Registration or licensing of all scrap metal businesses;

(g) A no-buy list for commercial and nonferrous metal purchases;

(h) Use and effectiveness of a scrap theft alert system, such as scraptheftalert.com, offered as a no fee service by the institute of scrap recycling industries; and

(i) Such other items the task force deems necessary.

(6) The task force shall meet at least quarterly.

(7) Members must seek reimbursement for travel and other membership expenses through their respective agencies or organizations within existing resources.

(8) The task force shall report its preliminary findings and recommendations for legislative action to the legislature by December 31, 2012. The task force shall continue to communicate and collaborate regarding a policy plan through December 31, 2014.

(9) This section expires December 31, 2014.

**Sec. 2.** RCW 9A.56.030 and 2009 c 431 s 7 are each amended to read as follows:

(1) A person is guilty of theft in the first degree if he or she commits theft of:

(a) Property or services which exceed(s) five thousand dollars in value other than a firearm as defined in RCW 9.41.010;

(b) Property of any value, other than a firearm as defined in RCW 9.41.010 or a motor vehicle, taken from the person of another; ~~((e))~~

(c) A search and rescue dog, as defined in RCW 9.91.175, while the search and rescue dog is on duty; or

(d) Metal wire, taken from a public service company, as defined in RCW 80.04.010, or a consumer-owned utility, as defined in RCW 19.280.020, and the costs of the damage to the public service company's or consumer-owned utility's property exceed five thousand dollars in value.

(2) Theft in the first degree is a class B felony.

**Sec. 3.** RCW 9A.56.040 and 2009 c 431 s 8 are each amended to read as follows:

(1) A person is guilty of theft in the second degree if he or she commits theft of:

(a) Property or services which exceed(s) seven hundred fifty dollars in value but does not exceed five thousand dollars in value, other than a firearm as defined in RCW 9.41.010 or a motor vehicle; ~~((e))~~

(b) A public record, writing, or instrument kept, filed, or deposited according to law with or in the keeping of any public office or public servant; ~~((e))~~

(c) Metal wire, taken from a public service company, as defined in RCW 80.04.010, or a consumer-owned utility, as defined in RCW 19.280.020, and the costs of the damage to the public service company's or consumer-owned utility's property exceed seven hundred fifty dollars but does not exceed five thousand dollars in value; or

(d) An access device.

(2) Theft in the second degree is a class C felony."

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

#### MOTION

Senator Carrell moved that the following amendment by Senators Carrell and Kline to the committee striking amendment be adopted:

On page 1, beginning on line 12, after "(a)" strike all material through "interests" on line 16 and insert "A scrap metal business

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located in Washington that is not affiliated with the institute of scrap recycling industries"

On page 2, line 25, after "bureau;" strike "and"

On page 2, line 27, after "advocacy" insert ";

(w) A representative of a Washington state affiliate of a national trade association representing commercial electrical contractors installing electrical fixtures and materials; and

(x) A representative of a Washington state affiliate of a national trade association representing commercial plumbing contractors installing plumbing fixtures and materials"

Senator Carrell spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Carrell and Kline on page 1, line 12 to the committee striking amendment to Engrossed Substitute House Bill No. 2570.

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

#### MOTION

Senator Carrell moved that the following amendment by Senators Carrell and Kline to the committee striking amendment be adopted:

On page 2, line 25 of the amendment, after "bureau;" strike "and"

On page 2, line 27 of the amendment, after "advocacy" insert ";

(w) A representative of a Washington state affiliate of a national trade association representing commercial electrical contractors installing electrical fixtures and materials;

(x) A representative of a Washington state affiliate of a national trade association representing commercial plumbing contractors installing plumbing fixtures and materials; and

(y) A scrap metal business located in Washington that is not affiliated with the institute of scrap recycling industries"

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Carrell, the amendment by Senators Carrell and Kline on page 2, line 25 to the committee striking amendment to Engrossed Substitute House Bill No. 2570 was withdrawn.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Judiciary as amended to Engrossed Substitute House Bill No. 2570.

The motion by Senator Kline carried and the committee striking amendment as amended 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 "theft;" strike the remainder of the title and insert "amending RCW 9A.56.030 and 9A.56.040; creating a new section; prescribing penalties; and providing an expiration date."

#### MOTION

On motion of Senator Kline, the rules were suspended, Engrossed Substitute House Bill No. 2570 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 Kline and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2570 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2570 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2570 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. 1820, by House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Hope, Lias, Rivers, Ryu, Moscoso, Morris, Hurst, Condotta, Jinkins, Fitzgibbon, Klippert, Johnson, Sells, Reykdal, Billig, Maxwell and Kelley)

Implementing the blue alert system.

The measure was read the second time.

#### MOTION

Senator Regala moved that the following striking amendment by Senators Regala and Padden be adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** There is currently no system in place in Washington state to expedite the apprehension of violent criminals who seriously injure or kill law enforcement officers. Other states have adopted blue alert systems to achieve this objective. The legislature declares that it is necessary to create a statewide blue alert system to speed the apprehension of violent criminals who kill or seriously injure local, state, or federal law enforcement officers.

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

(1) "Blue alert system" means a quick response system designed to issue and coordinate alerts following an attack upon a law enforcement officer.

(2) "Investigating law enforcement agency" means the law enforcement agency that has primary jurisdiction over the area or has been delegated and accepted investigatory responsibility in which a law enforcement officer has been seriously injured or killed.

(3) "Law enforcement agency" means a general law enforcement agency as defined in RCW 10.93.020 and a limited law enforcement agency as defined in RCW 10.93.020. Such agencies shall include only the following:

- (a) The Washington state patrol;
- (b) All law enforcement agencies and police departments of any political subdivision of the state; and
- (c) The department of corrections.

(4) "Law enforcement officer" includes an employee of a law enforcement agency who is authorized by law to engage in or supervise the prevention, detection, or investigation of, or the incarceration of any person for, any violation of law, and who has statutory powers of arrest.

(5) "Officer's employing law enforcement agency" means the law enforcement agency by which the officer is employed.

**NEW SECTION. Sec. 3.** (1) Within existing resources, the Washington state patrol, in partnership with the Washington association of sheriffs and police chiefs, shall study the utilization of blue alert systems in other states to ascertain their effectiveness in apprehending the suspect or in developing additional investigation leads. The study shall include a plan for the implementation of a blue alert system, consistent with the Amber alert program, endangered missing person advisory plan, and the missing person clearinghouse, for voluntary cooperation between local, state, tribal, and other law enforcement agencies, state government agencies, radio and television stations, and cable and satellite systems to enhance the public's ability to assist in apprehending persons suspected of killing or seriously injuring a law enforcement officer. The plan for the blue alert system shall include the following components:

(a) Procedures to provide support to the investigating law enforcement agency as a resource for the receipt and dissemination of information regarding the suspect and the suspect's whereabouts and/or method of escape;

(b) The process for reporting the information to designated media outlets in Washington;

(c) Criteria for the investigating law enforcement agency to determine quickly whether an officer has been seriously injured or killed and a blue alert therefore needs to be requested;

(d) The process by which the investigating law enforcement agency may request activation of the blue alert system and notify appropriate participants in the blue alert system, when the investigating law enforcement agency believes that:

(i) A suspect has not been apprehended;

(ii) A suspect may be a serious threat to the public;

(iii) Sufficient information is available to disseminate to the public that could assist in locating and apprehending the suspect;

(iv) Release of the information will not compromise the investigation; and

(v) Criteria to ensure that releasing the victim information is proper, as to avoid improper next of kin notification.

(e) The process by which when a blue alert is activated, the investigating law enforcement agency may be required provide descriptive information under the criminal justice information act, chapter 10.98 RCW, and the national crime information center system.

(f) The process by which the investigating law enforcement agency may terminate the blue alert with respect to a particular suspect when the suspect is located or the incident is otherwise resolved, or when the investigating law enforcement agency determines that the blue alert system is no longer an effective tool for locating and apprehending the suspect.

(2) The Washington state patrol, in partnership with the Washington association of sheriffs and police chiefs, shall report to the legislature by December, 2012, on the results of the study along with recommendations for legislation to implement a blue alert system in Washington state.

**NEW SECTION. Sec. 4.** Sections 1 through 3 of this act constitute a new chapter in Title 10 RCW.

Senators Regala and Padden spoke in favor of adoption of the striking amendment.

Senator Fain spoke on adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Regala and Padden to Engrossed Substitute House Bill No. 1820.

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

#### MOTION

On motion of Senator Eide, further consideration of Engrossed Substitute House Bill No. 1820 was deferred and the bill held its place on the second reading calendar.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Makah Nation, Chairman Micah McCarty and Makah Office of Marine Affairs manager, Chad Bowechop who were seated in the gallery.

#### MOTION

At 2:43 p.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 3:25 p.m. by President Owen.

#### MOTION FOR IMMEDIATE RECONSIDERATION

Senator Padden moved to immediately reconsider the vote by which the striking amendment by Senators Regala and Padden to Engrossed Substitute House Bill No. 1820 was adopted earlier in the day.

Senators Padden and Regala spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Padden to immediately reconsider the vote by which the striking amendment by Senators Regala and Padden to Engrossed Substitute House Bill No. 1820 was passed.

The motion by Senator Padden carried by a voice vote.

The President declared the question to be the adoption of the striking amendment by Senators Regala and Padden to Engrossed Substitute House Bill No. 1820 on reconsideration.

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

#### MOTION

On motion of Senator Regala, the rules were suspended, Engrossed Substitute House Bill No. 1820 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1820.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1820 and the bill passed the

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Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Murray

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1820, 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

Senator Benton moved that the Senate advanced to the ninth order.

Senator Eide spoke against the motion.

Senator Brown demanded a roll call.

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

Senator Brown spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Benton to advance to the ninth order of business.

The Secretary called the roll on the motion by Senator Benton and the motion carried by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

MOTION

Senator Benton moved that the rules be suspended and that the Committee on Ways & Means be relieved of further consideration of Senate Bill No. 5967, Senate Bill No. 6378, Senate Bill No. 6615 and Senate Bill No. 6616 and that the measures be placed on the second reading calendar.

MOTION

Senator Eide moved to amend the motion by Senator Benton so that the Committee on Rules be relieved of further consideration of Engrossed Substitute House Bill No. 2330 and that the bill also be placed on the second reading calendar.

Senator Eide demanded a roll call.

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

Senator Benton spoke against the motion.

Senator Brown spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Eide that the motion by Senator Benton be amended so that the Committee on Rules be relieved of further consideration of Engrossed Substitute House Bill No. 2330 and that the bill also be placed on the second reading calendar.

The Secretary called the roll on the motion by Senator Eide that the motion by Senator Benton be amended so that the Committee on Rules be relieved of further consideration of Engrossed Substitute House Bill No. 2330 and the motion failed by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hargrove, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

MOTION

Senator Eide moved to divide the question and that the senate vote on each measure individually.

REPLY BY THE PRESIDENT

President Owen: "Senator Eide, you may demand the division of the question and it will be granted. So the question that is before us now is to vote on each one of the motions to relieve the committee on each one of the bills, separately."

Senator Benton spoke against the motion.

REPLY BY THE PRESIDENT

President Owen: "Senator Benton, you misunderstand the President's explanation. She does not, there is no motion. Any member can demand a division. And it was granted. So, there will be vote on each one of the bills separately. We will take them in the order that you presented them."

The President declared the question before the Senate to be the motion by Senator Benton that the Committee on Ways and Means be relieved of further consideration of Senate Bill No. 5967 and the bill be placed on the day's second reading calendar.

Senator Fraser demanded a roll call.

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

POINT OF INQUIRY

Senator Eide: "Would Senator Benton yield to a question?"

President Owen: "He does not yield."

POINT OF INQUIRY

Senator Eide: "Would Senator Zarelli yield to a question?"

President Owen.: "The Senator does not yield."

The President declared the question before the Senate to be the motion by Senator Benton that the Committee on Ways and Means be relieved of further consideration of Senate Bill No. 5967 and that the bill be placed on the day's second reading calendar.

#### POINT OF INQUIRY

Senator Eide: "Would Senator Murray yield to a question?"

Senator Murray: "I believe your question is, 'what is the bill in front of us?' It's the Governor's supplemental budget without action and consideration on the part of the Ways and Means Committee."

#### POINT OF INQUIRY

Senator Hargrove: "Would Senator Murray yield to a question? Yes, would you tell me what's in Senate Bill No. 5967 please?"

Senator Murray: "Line by line Senator? Well, obviously, in summary, the Governor's supplemental budget, which was built before the most recent forecast, had significant cuts to our safety net, to our higher education system and to our K12 system. This does not include her recommendations on how you would deal with those cuts, such as with revenue."

#### POINT OF INQUIRY

Senator Eide: "Well, I guess I want to know this bill has not been taken out of Ways and Means is my understanding, so if I'm correct it is the Governor's bill as it is. Senate Bill No. 5967 is the Governor's budget with all her proposal, her cuts and everything that is in the budget. Is that correct?"

#### REPLY BY THE PRESIDENT

President Owen: "The question is not to be proposed to the President. It is to be proposed to a member."

#### REMARKS BY SENATOR MURRAY

Senator Murray: "Again, this is the Governor's supplemental budget as she proposed it. It is a budget where in December we had night after night, week after week, hour after hour late into the evenings hearing from the citizens of the state about their concerns about this budget. None of the issues that they brought up are addressed in the budget as it is before us."

#### POINT OF INQUIRY

Senator Keiser: "Would the good gentleman from the 43<sup>rd</sup> District yield to a question? My question is, does the bill being called forward from the Ways and Means Committee have any updated information about the case load forecast or the forecast, economic forecast or is it as it was in December?"

Senator Murray: "It does not reflect any of those changes in the case load or revenue forecast and that's why you continue to see the draconian cuts to things such as levy equalization."

#### POINT OF INQUIRY

Senator Haugen: "May I ask the good senator from the 43<sup>rd</sup> District a question?"

#### REMARKS BY THE PRESIDENT

President Owen: "The President is going to exercise some discretion here for just a moment, just to make clear. You can ask these questions for a certain period of time and then you would be getting to a point where you are interfering with the operation of the senate and getting its work done and then the President will exercise his discretion to move forward and call for a vote. Just want to lay that out for you so you understand what's going to happen in just about, another few minutes."

#### POINT OF INQUIRY

Senator Haugen: "Thank you very much Mr. President, we really do appreciate your patience with us because some of us have real concerns and you know my concern is K-12 and if the good Senator from the Forty-Third District could tell me what it does to the education. I am particularly interested in the rural counties and small schools. You know one of our concerns is in some parts of the state is that there's adequate funding's for these rural school districts and I don't really remember the bill and I would really appreciate hearing what it really did for rural school districts. I do have some concerns and I think we all should have some concerns what this bill might mean to the people we represent in our legislative districts."

Senator Murray: "I will continue to yield, Mr. President, until you tell me not to. The question concerning what the budget that we may vote on or I guess are about to vote on does in regards to schools and rural communities, it basically, in regards to schools, again levy equalization is gone. It has an incredibly negative impact on our rural and to some extent our suburban schools districts. Critical care hospitals, again that our rural communities depend on, are cut in the proposal before you."

#### MOTION

Senator Hargrove: "I'd like to amend the motion to relieve Ways and Means of this bill and refer it to the Government Operations, Tribal Relations and Elections."

#### POINT OF ORDER

Senator Benton: "According to Reed's Rule 225, it is the duty to the presiding officer in cases where debate and parliamentary motions are employed to create disorder and impede the business of the senate..."

#### REPLY BY THE PRESIDENT

President Owen: "Senator Benton, the President has already made clear that that is a rule. Senator Hargrove did you not speak on this just a moment ago?"

Senator Hargrove: "I was making a motion, Mr. President."

#### REPLY BY THE PRESIDENT

President Owen: "Senator Hargrove, if you stand up and even ask a question that is speaking on the motion."

#### PARLIAMENTARY INQUIRY

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Senator Hargrove: "I cannot make a motion?"

Bill No. 5967 be referred to the Committee on Government Operations, Tribal Relations and Elections.

REPLY BY THE PRESIDENT

President Owen: "You can make a motion, yes."

Senator Hargrove moved to amend the motion by Senator Benton that Senate Bill No. 5967 be placed on the second reading calendar and, instead the bill be referred to the Committee on Government Operations, Tribal Relations & Elections.

The Secretary called the roll on the motion by Senator Hargrove to amend the motion by Senator Benton and to refer Senate Bill No. 5967 from the Committee on Ways and Means to the Government Operations, Tribal Relations and Elections and the motion failed by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Senator Hargrove demanded a roll call.

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

Voting yea: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

PARLIAMENTARY INQUIRY

Senator Eide: "Would you please tell us what the motion is before us? I believe it's my demand to the question, splitting the four bills. Is that...?"

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

REPLY BY THE PRESIDENT

President Owen: "No."

The President declared the question before the Senate to be the motion by Senator Benton that the Committee on Ways and Means be relieved of further consideration of Senate Bill No. 5967 and the bill be placed on the second reading calendar.

PARLIAMENTARY INQUIRY

Senator Eide: "Okay, what's the motion before us?"

The Secretary called the roll on the motion by Senator Benton that the Committee on Ways & Means be relieved of further consideration of Senate Bill No. 5967 and the motion carried by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

REPLY BY THE PRESIDENT

President Owen: "Senator Eide, your demand has been granted by the mere fact that you made it. The motion was, originally, was to relieve the Ways and Means Committee of the bill and put it on the second reading calendar. Senator Hargrove has just moved to amend that motion to send the bill rather than to the second reading calendar but to Government Operations, Tribal Relations & Elections Committee. That is the motion that is before us right now."

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

Senator Eide demanded a roll call.

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

The President declared the question before the Senate to be the motion by Senator Benton that the Committee on the Ways and Means be relieved of further consideration of Senate Bill No. 6378 and that the bill be placed on the second reading calendar.

Senator Benton spoke against the motion.

Senator Murray spoke against the motion.

PARLIAMENTARY INQUIRY

Senator Ericksen: "It is my understanding, I'd like to clarify all of the actions that taking in the ninth order of business and the bills that we will be bringing up are not subject to five o'clock cutoff and we can continue action on this as long as the body would like."

Senator Eide demanded a roll call.

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

REPLY BY THE PRESIDENT

President Owen: "The President believes that if these bills are budget-related bills, necessary to implement the budget, or the budget, they are not subject to the cutoff."

REMARKS BY THE PRESIDENT

President Owen: "The President believes that before it was divided there was a demand for a roll call which included all of them so you do not need to make that motion each time. It is done."

PARLIAMENTARY INQUIRY

Senator Conway: "Are we allowed to speak on this motion?"

REPLY BY THE PRESIDENT

The President declared the question before the Senate to be the motion by Senator Hargrove that the motion by Senator Benton that the Committee on Ways & Means be relieved of further consideration of Senate Bill No. 5967 and that the bill be placed on the second reading calendar be amended so that Senate

President Owen: "Let the President explain. The motion is to move it, relieve the Committee. Therefore your debate should be on whether or not to relieve the Committee not the merits of

the issue. However, the President is going to provide some discretion on this because the members are not very aware of what these bills are so he will allow debate, not debate, but comments on each side of the issue then you must get back to the merits of relieving the Committee and putting it on the floor. So you may comment on this, yes.”

Senator Conway spoke against the motion.

The Secretary called the roll on the motion by Senator Benton that the Committee on Ways & Means be relieved of further consideration of Senate Bill No. 6378 and the motion carried by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

The President declared the question before the Senate to be the motion by Senator Benton that the Committee on Ways and Means be relieved of further consideration of Senate Bill No. 6615 and the bill be placed on the second reading calendar.

Senator Murray spoke against the motion.

Senator Zarelli spoke in favor of the motion.

#### POINT OF INQUIRY

Senator Fraser: “Would Senator Murray yield to a question? My question is, is the revenue, are the revenue implications of this bill reflected in the budget proposal by the Chair of the Senate Ways and Means Committee?”

Senator Murray: “The answer is that some of the liquor money, one time, is utilized in this budget. It is not a permanent shift away and it is not to the extent that you see reflected in this bill.”

The Secretary called the roll on the motion by Senator Benton that the Committee on Ways & Means be relieved of further consideration of Senate Bill No. 6615 and the motion carried by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

The President declared the question before the Senate to be the motion by Senator Benton that the Committee on Ways and Means be relieved of further consideration of Senate Bill No. 6616 and the bill be placed on the second reading calendar.

Senator Kilmer spoke against the motion.

#### POINT OF ORDER

Senator Benton: “I believe that the good gentleman from the Twenty-sixth is speaking to the merits to the bill and not to the merits of the motion before the body.”

#### REPLY BY THE PRESIDENT

President Owen: “If you recall, Senator Benton, the President said he was going to allow discretion because these bills are not well known amongst the members. If you wish to respond, he would allow you to do that as well.”

Senator Zarelli spoke in favor of the motion.

The Secretary called the roll on the motion by Senator Benton that the Committee on Ways & Means be relieved of further consideration of Senate Bill No. 6616 and the motion carried by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

#### MOTION

Senator Eide moved that the Committee on Rules be relieved of further consideration of Engrossed Substitute House Bill No. 2330 and the bill be placed on the second reading calendar.

Senator Eide demanded a roll call.

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

#### POINT OF ORDER

Senator Benton: “I believe that motion has already been made and I believe this body has already voted it down.”

#### REPLY BY THE PRESIDENT

President Owen: “Senator Benton, the original motion was to amend your motion which failed. Now she is taking this as an independent effort and that is allowed.”

The President declared the question before the Senate to be the motion by Senator Eide that the Committee on Rules be relieved of Engrossed Substitute House Bill No. 2330 and the bill be placed on the second reading calendar.

Senator Keiser spoke in favor of the motion.

Senator Ericksen spoke against the motion.

The Secretary called the roll on the motion by Senator Eide that the Committee on Rules be relieved of Engrossed Substitute House Bill No. 2330 and the motion failed by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hargrove, Hewitt, Hill, Holmquist

FIFTY FOURTH DAY, MARCH 2, 2012

Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

PARLIAMENTARY INQUIRY

Senator Benton: "I'd like to be sure that Senate Bill No. 5967, Senate Bill No. 6378, Senate Bill No. 6615 and Senate Bill No. 6616 are on the second reading calendar."

REPLY BY THE PRESIDENT

President Owen: "They are."

MOTION

Senator Schoesler moved to revert to the sixth order of business.

Senator Eide demanded a roll call.

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

The President declared the question before the Senate to be the motion by Senator Schoesler to revert to the sixth order of business.

The Secretary called the roll on the motion by Senator Schoesler and the motion carried by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

MOTION

Senator Eide moved that the Senate be at ease.

MOTION

Senator Schoesler moved that the Senate immediately consider Senate Bill No. 5967.

REPLY BY THE PRESIDENT

President Owen: "Senator Schoesler, Senator Eide's motion is a privileged motion and has priority so the motion before us is Senator Eide's motion to go at ease for the purpose of Caucuses."

Senator Schoesler spoke against the motion.

Senator Benton demanded a roll call.

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

The President declared the question before the Senate to be the motion by Senator Eide that the Senate be at ease subject to the call of the President.

2012 REGULAR SESSION

The Secretary called the roll on the motion by Senator Eide and the motion failed by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

MOTION

Senator Schoesler moved that the Senate immediately consider Senate Bill No. 5967.

MOTION

Pursuant to Senate Rule 64, Senator Eide moved that the bill be read section by section, in full.

REMARKS BY THE PRESIDENT

President Owen: "The President will have the galleries cleared if you continue to try to communicate with the members on the floor. Right now we are not considering that bill because the bill is not before us. Your motion is not germane at this time."

Senator Eide demanded a roll call.

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

Senators Brown, Eide, Murray and Keiser spoke against the motion.

Senator Benton spoke in favor of the motion.

POINT OF ORDER

Senator Zarelli: "The motion here is to consider Senate Bill No. 5967?"

REPLY BY THE PRESIDENT

President Owen: "The motion is to immediately consider Senate Bill No. 5967."

POINT OF ORDER

Senator Zarelli: "Thank you Mr. President because I'm getting a little confused by the comments."

Senators Nelson and Kohl-Wells spoke against the motion.

POINT OF ORDER

Senator Schoesler: "Mr. President, what does the United State Congress have to do with the bill before us? Could the gentle lady stick to the motion to consider...?"

REPLY BY THE PRESIDENT

President Owen: "The motion is to immediately consider the bill. Please keep your remarks relative to that point. Senator Kohl-Welles please continue."

Senator Pflug spoke in favor of the motion.

#### MOTION

Pursuant to Senate Rule 18, Senator Schoesler moved that the Senate's consideration of Senate Bill No. 6406, a special order of business of the day at 4:59 p.m., be postponed and made a special order of business for Monday, March 5, at 11:00 a.m.

#### PARLIAMENTARY INQUIRY

Senator Eide: "Now, I made that motion this morning and I think it was like when we first came on the floor at 9:30. Can you tell me, that if this happens, would that kill the bill? Would the bill be dead, because it's beyond cutoff?"

#### REPLY BY THE PRESIDENT

President Owen: "Senator Eide, it's a senate bill so the President is assuming at this point that it must be necessary to implement the budget -- it's not? So, Senator Eide, if that's the case, the bill's not eligible to be heard today anyway... It's a senate bill."

Senator Eide demanded a roll call.

#### REMARKS BY THE PRESIDENT

President Owen: "Senator Schoesler, we are on your motion to immediately consider Senate Bill No. 5967. You made a follow up motion which is not in order until we dispose of the first motion. So, the question before the Senate at this time is to immediately consider Senate Bill No. 5967."

The President declared the question before the Senate to be the motion by Senator Schoesler that the Senate immediately consider Senate Bill No. 5967.

Senators Hargrove, McAuliffe and Pridemore spoke against the motion.

Pursuant to Senate Rule 18, the hour fixed for the consideration having arrived, the President announced the special order of business, Senate Bill No. 6406, was before the Senate for consideration.

#### POINT OF ORDER

Senator Schoesler: "You had ruled earlier that we could not change that because we were voting on the motion to immediately consider Senate Bill No. 5967. So, therefore we need to vote on the motion to immediately consider Senate Bill No. 5967."

#### REPLY BY THE PRESIDENT

President Owen: "Senator, the President said that your second motion was not in order because we had not disposed of the first motion. Now, we are on the bill which still provides you the liberty to make any motion that you want on the bill."

#### MOTION

Pursuant to Senate Rule 18, Senator Schoesler moved that further consideration of Senate Bill No. 6406, a special order of

business of the day at 4:59 p.m., be delayed until Monday, March 5, at 11:00 a. m.

Senator Eide demanded a roll call.

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

The President declared the question before the Senate to be the motion by Senator Schoesler that further consideration of Senate Bill No. 6406, a special order of business of the day at 4:59 p.m., be delayed until Monday, March 5, at 11:00 a.m.

The Secretary called the roll on the motion by Senator Schoesler that further consideration of Senate Bill No. 6406 be delayed and the motion carried by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

The President declared the question to be the motion by Senator Schoesler that the Senate immediately consider Senate Bill No. 5967.

Senator Eide demanded a roll call.

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

The President declared the question before the Senate to be the motion by Senator Schoesler that the Senate immediately consider Senate Bill No. 5967.

The Secretary called the roll on the motion by Senator Schoesler that the Senate immediately consider Senate Bill No. 5967 and the motion carried by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

#### PARLIAMENTARY INQUIRY

Senator Eide: "So is Senate Bill No. 5967, is it on the second reading calendar and before us now?"

#### REPLY BY THE PRESIDENT

President Owen: "It is on second reading calendar and it is before us now."

#### MOTION

Pursuant to Senate Rule 64, Senator Eide demanded that Senate Bill No. 5967 be read section by section, in full.

SECOND READING

SENATE BILL NO. 5967, by Senators Murray and Zarelli

Making 2011 2nd sp.s. supplemental operating appropriations.

The measure was read the second time.

MOTION

Senator Schoesler moved to table the motion by Senator Eide.

REMARKS BY THE PRESIDENT

President Owen: "Senator Schoesler, there is no motion. It's, as stated, a matter of right for a member, matter of fact, it's in your rules that it shall be read in full. Senator Eide merely pointed out that that is the rule."

POINT OF ORDER

Senator Schoesler: "Mr. President, if that is the case in following rule 225 from Reed's Rules of Order I believe that that is being used to disrupt the process and not educate the members of the senate."

Senator Eide spoke against the point of order.

REPLY BY THE PRESIDENT

President Owen: "Senator Schoesler, let the President respond to your point of order. Reed's Rules, in this case, are superseded by Senate Rules so Reed's Rules do not apply or that Reed's Rule does not apply."

MOTION

Senator Benton moved to suspend Senate Rule 64 for the remainder of the day.

Senator Eide spoke against the motion.

PARLIAMENTARY INQUIRY

Senator Eide: "How many votes does that take?"

REPLY BY THE PRESIDENT

President Owen: "The suspension of the rules takes two-thirds."

POINT OF ORDER

Senator Benton: "I believe within ten days of the final day of session we can suspend the rule with fifty percent vote."

REPLY BY THE PRESIDENT

President Owen: "You might find this strange but the President had anticipated that that issue may have come up and did a little research. What the President found it is that is only to go from second reading to third reading, reading, the simple majority. Beyond that, it takes two-thirds for any other suspension of the rules."

PARLIAMENTARY INQUIRY

Senator Eide: "So where are we? I thought we were continuing to read the bill?"

REPLY BY THE PRESIDENT

President Owen: "We have a motion by Senator Benton to suspend the Rule, 64."

Senator Eide demanded a roll call.

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

The President declared the question before the Senate to be the motion by Senator Benton to suspend Senate Rule 64.

The Secretary called the roll on the motion by Senator Benton and the motion, having failed to receive the necessary two-thirds, failed by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Erickson, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

The Secretary continued to read Senate Bill No. 5967 section by section, in full the second time.

PARLIAMENTARY INQUIRY

Senator Benton: "The gentle lady from the thirtieth was very interested in hearing this bill read, as many of her members, yet I don't see any of them on the floor of the senate. Perhaps they're no longer interested in hearing what's in the bill and I may suggest that the Senate proceed with its business?"

REPLY BY THE PRESIDENT

President Owen: "Senator Benton, as you are well aware the system goes out beyond just the floor of the senate so the President can't determine whether they are listening to it or not. Secretary will read."

The Secretary continued to read Senate Bill No. 5967 section by section, in full the second time.

The President requested that the Secretary read the final line of Senate Bill No. 5967 and the measure was considered read section by section, in full the second time.

PERSONAL PRIVILEGE

Senator Eide: "Well, first of all I'd like to thank the readers for taking the time, both of you, to read the budget. I just want to say that I am sorry that it came to this but I truly believe that we should have had the opportunity to go at ease which we were denied Mr. President. We were denied. This is an extremely complex issue. The budget is the reason why we are here. This touches every single Washingtonian and it is something that we

do not take lightly. There is a process and there is a procedure and I have always, always Mr. President given the other side time to put amendments on the bar, I have talked about schedules, I have given them dinner breaks, lunch breaks, I feel I have done quite a bit and this is how I get in repayment. I think the main point is that this is the budget. This touches every single Washingtonian and we do not take this lightly. Thank you Mr. President.”

PERSONAL PRIVILEGE

Senator Murray: “Thank you Mr. President. I to want to agree with the floor leader and acknowledge the work the staff in reading this budget. I think what this regrettable exercise illustrated is how complex the budget is. It gives you just a little window into how much time members, public, stakeholders spend in preparing and writing a budget, a process that was short circuited tonight. Thank you.”

MOTION

At 7:20 p.m., on motion of Senator Benton, the Senate was declared at recess until 8:00 p.m.

EVENING SESSION

The Senate was called to order at 8:03 p.m. by President Owen.

MOTION

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

Strike everything after the enacting clause and insert the following:

**"PART I  
GENERAL GOVERNMENT**

**Sec. 101.** 2011 2nd sp.s. c 9 s 101 (uncodified) is amended to read as follows:

FOR THE HOUSE OF REPRESENTATIVES

General Fund--State Appropriation (FY 2012) .....	<del>(\$29,934,000)</del>
.....	\$30,205,000
General Fund--State Appropriation (FY 2013) .....	<del>(\$30,465,000)</del>
.....	\$27,258,000
Motor Vehicle Account--State Appropriation .....	\$1,316,000
TOTAL APPROPRIATION    ( <del>\$61,715,000</del> )	
.....	\$58,779,000

**Sec. 102.** 2011 2nd sp.s. c 9 s 102 (uncodified) is amended to read as follows:

FOR THE SENATE

General Fund--State Appropriation (FY 2012) .....	<del>(\$21,770,000)</del>
.....	\$21,794,000
General Fund--State Appropriation (FY 2013) .....	<del>(\$23,864,000)</del>
.....	\$21,133,000
Motor Vehicle Account--State Appropriation .....	\$1,400,000
TOTAL APPROPRIATION .....	<del>(\$47,034,000)</del>
.....	\$44,327,000

**Sec. 103.** 2011 1st sp.s. c 50 s 103 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

General Fund--State Appropriation (FY 2012) .....	\$2,680,000
General Fund--State Appropriation (FY 2013) .....	<del>(\$2,741,000)</del>
.....	\$2,604,000
Medical Aid Account--State Appropriation .....	\$85,000

Accident Account--State Appropriation .....	\$85,000
TOTAL APPROPRIATION .....	<del>(\$5,591,000)</del>
.....	\$5,454,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Notwithstanding the provisions of this section, the joint legislative audit and review committee may adjust the due dates for projects included on the committee's 2011-13 work plan as necessary to efficiently manage workload.

(2) Within the amounts appropriated in this section, the committee shall conduct a review of the state's workplace safety and health program. The review shall examine workplace safety inspection, enforcement, training, and outreach efforts compared to other states and federal programs; analyze workplace injury and illness rates and trends in Washington; identify factors that may influence workplace safety and health; and identify practices that may improve workplace safety and health and/or impact insurance rates.

(3) Within the amounts appropriated in this section, the committee shall conduct a review of marketing and vendor expenditures and incentive payment programs at the state lottery commission to identify cost savings and efficiencies to maximize contributions to beneficiaries under this act. This review shall include examination of the following:

(a) An analysis of marketing expenses and the impact on ticket sales; the impact to sales of tickets from the change in lottery beneficiaries; the competitive contracting processes for marketing services and vendors and comparison to other states; identification of whether there are duplicative or unproductive marketing activities; and identification of whether savings may occur from changing vendors.

(b) A description of how the employee incentive payment program at the state lottery commission operates, and comparison to best practices for outcome-based performance payments.

(4) \$85,000 of the medical aid account--state appropriation and \$85,000 of the accident account--state appropriation are provided solely for the purposes of House Bill No. 2123 (workers' compensation). If the bill is not enacted by June 30, 2011, the amounts provided in this subsection shall lapse.

(5) The joint legislative audit and review committee will assess the costs of the department of fish and wildlife to produce trout to achieve the department's desired freshwater stocking objectives and compare these costs to the costs of the alternatives for producing trout such as contracting for services. As part of its assessment, the committee will consider the following:

(a) The total costs to the department for producing trout at department trout production facilities, by category of trout production, to achieve the department's desired freshwater stocking objectives;

(b) The availability of alternative approaches to trout production, including opportunities to contract with registered aquatic farmers, and the costs of these alternative approaches; and

(c) A review of the experience of other states in contracting or other alternative approaches to trout production.

(d) The committee will complete its assessment and report to the legislature by December 1, 2012.

**Sec. 104.** 2011 1st sp.s. c 50 s 104 (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

General Fund--State Appropriation (FY 2012) .....	\$2,027,000
General Fund--State Appropriation (FY 2013) .....	<del>(\$2,193,000)</del>
.....	\$1,708,000
TOTAL APPROPRIATION .....	<del>(\$4,220,000)</del>
.....	\$3,735,000

FIFTY FOURTH DAY, MARCH 2, 2012

2012 REGULAR SESSION

Sec. 105. 2011 1st sp.s. c 50 s 106 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

General Fund--State Appropriation (FY 2012)	.....\$8,016,000
General Fund--State Appropriation (FY 2013)	.....(((\$7,911,000))
.....	.....\$7,516,000
TOTAL APPROPRIATION	.....(((\$15,927,000))
.....	.....\$15,532,000

Sec. 106. 2011 2nd sp.s. c 9 s 103 (uncodified) is amended to read as follows:

FOR THE STATUTE LAW COMMITTEE

General Fund--State Appropriation (FY 2012)	.....\$4,248,000
General Fund--State Appropriation (FY 2013)	.....(((\$4,689,000))
.....	.....\$4,455,000
TOTAL APPROPRIATION	.....(((\$8,937,000))
.....	.....\$8,703,000

NEW SECTION. Sec. 107. A new section is added to 2011 1st sp.s. c 50 (uncodified) to read as follows:

FOR THE OFFICE OF LEGISLATIVE SUPPORT SERVICES

General Fund--State Appropriation (FY 2013) .....\$3,016,000

NEW SECTION. Sec. 108. A new section is added to 2011 1st sp.s. c 50 (uncodified) to read as follows:

LEGISLATIVE AGENCIES

In order to achieve operating efficiencies within the financial resources available to the legislative branch, the executive rules committee of the house of representatives and the facilities and operations committee of the senate by joint action may transfer funds among the house of representatives, senate, joint legislative audit and review committee, legislative evaluation and accountability program committee, legislative transportation committee, office of the state actuary, joint legislative systems committee, statute law committee, office of legislative support services, and redistricting commission.

Sec. 109. 2011 2nd sp.s. c 9 s 104 (uncodified) is amended to read as follows:

FOR THE SUPREME COURT

General Fund--State Appropriation (FY 2012)	.....(((\$6,724,000))
.....	.....\$6,765,000
General Fund--State Appropriation (FY 2013)	.....\$6,738,000
TOTAL APPROPRIATION	.....(((\$13,462,000))
.....	.....\$13,503,000

Sec. 110. 2011 2nd sp.s. c 9 s 105 (uncodified) is amended to read as follows:

FOR THE LAW LIBRARY

General Fund--State Appropriation (FY 2012)	.....\$1,506,000
General Fund--State Appropriation (FY 2013)	.....(((\$1,466,000))
.....	.....\$466,000
Judicial Information System Account--State	
Appropriation	.....\$1,000,000
TOTAL APPROPRIATION	.....\$2,972,000

Sec. 111. 2011 2nd sp.s. c 9 s 107 (uncodified) is amended to read as follows:

FOR THE ADMINISTRATOR FOR THE COURTS

General Fund--State Appropriation (FY 2012)	.....(((\$50,692,000))
.....	.....\$50,756,000
General Fund--State Appropriation (FY 2013)	.....(((\$50,235,000))
.....	.....\$48,668,000
General Fund--Federal Appropriation	.....\$2,532,000
General Fund--Private/Local Appropriation	.....\$390,000
Judicial Information Systems Account--State	
Appropriation	.....\$42,414,000
Judicial Stabilization Trust Account--State	
Appropriation	.....(((\$5,414,000))
.....	.....\$7,354,000
TOTAL APPROPRIATION	.....(((\$151,677,000))

.....\$152,114,000  
The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,800,000 of the general fund--state appropriation for fiscal year 2012 and \$1,800,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for school districts for petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. The office of the administrator for the courts shall develop an interagency agreement with the superintendent of public instruction to allocate the funding provided in this subsection. Allocation of this money to school districts shall be based on the number of petitions filed. This funding includes amounts school districts may expend on the cost of serving petitions filed under RCW 28A.225.030 by certified mail or by personal service or for the performance of service of process for any hearing associated with RCW 28A.225.030.

(2)(a) \$8,252,000 of the general fund--state appropriation for fiscal year 2012 and \$8,253,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(b) Each fiscal year during the 2011-2013 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than 45 days after the end of the fiscal year. The administrator for the courts shall electronically transmit this information to the chairs and ranking minority members of the house of representatives and senate ways and means committees no later than 60 days after a fiscal year ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(3) The distributions made under this subsection and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(4) \$265,000 of the general fund--state appropriation for fiscal year 2012 is provided solely for the office of public guardianship to provide guardianship services for low-income incapacitated persons.

(5) \$1,178,000 of the judicial information systems account--state appropriation is provided solely for replacing computer equipment at state courts and state judicial agencies.

(6) No later than September 30, 2011, the judicial information systems committee shall provide a report to the legislature on the recommendations of the case management feasibility study, including plans for a replacement of the superior court management information system (SCOMIS) and plans for completing the data exchange core system component consistent with a complete data exchange standard. No later than December 31, 2011, the judicial information systems committee shall provide a report to the legislature on the status of the data exchange, the procurement process for a SCOMIS replacement, and a case management system that is designed to meet the requirements approved by the superior courts and county clerks of all thirty-nine counties. The legislature shall solicit input on both reports from judicial, legislative, and executive stakeholders.

(7) In order to gather better data on juveniles in the criminal justice system, the administrative office of the courts shall modify the judgment and sentence form for juvenile and adult sentences to include one or more check boxes indicating whether (a) the adult superior court had original jurisdiction for a defendant who was younger than eighteen years of age at the time the case was filed; (b) the case was originally filed in juvenile court but transferred to adult superior court jurisdiction; or (c) the case was originally filed in adult superior court or transferred to adult superior court but then returned to the juvenile court.

(8) The Washington association of juvenile court administrators and the juvenile rehabilitation administration, in consultation with the community juvenile accountability act advisory committee and the Washington state institute for public policy, shall analyze and review data elements available from the administrative office of the courts for possible integration into the evidence-based program quality assurance plans and processes. The administrative office of the courts, the Washington association of juvenile court administrators, and the juvenile rehabilitation administration shall provide information necessary to complete the review and analysis. The Washington association of juvenile court administrators and the juvenile rehabilitation administration shall report the findings of their review and analysis, as well as any recommendations, to the legislature by December 1, 2012.

(9) \$540,000 of the judicial stabilization trust account--state appropriation for fiscal year 2013 is provided solely for the office of public guardianship to continue guardianship services for those low-income incapacitated persons who were receiving services on June 30, 2012.

**Sec. 112.** 2011 2nd sp.s. c 9 s 108 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF PUBLIC DEFENSE**

General Fund--State Appropriation (FY 2012) .....	(\$25,030,000))
.....	\$25,027,000
General Fund--State Appropriation (FY 2013) .....	(\$24,972,000))
.....	\$31,031,000
Judicial Stabilization Trust Account--State	
Appropriation .....	\$2,490,000
<b>TOTAL APPROPRIATION .....</b>	<b>(\$52,492,000))</b>
.....	\$58,548,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The amounts provided include funding for expert and investigative services in death penalty personal restraint petitions.

(2) By December 1, 2011, the office of public defense shall submit to the appropriate policy and fiscal committees of the legislature a proposal for office of public defense to assume the effective and efficient administration of defense services for indigent persons throughout the state who are involved in proceedings under chapter 71.09 RCW. In developing its proposal, the office of public defense should consult with interested stakeholders, including the King county public defender, the Washington defender association, the Washington association of criminal defense lawyers, the administrative office of the courts, the superior court judges association, the office of the attorney general, the King county prosecuting attorney, the Washington association of counties, and the department of social and health services. At a minimum, the proposal should identify:

(a) Procedures to control costs and require accountability, consistent with the state's obligation to ensure the right to counsel under both the United States Constitution and the Washington Constitution;

(b) Appropriate practice standards for trial-level defense of indigent persons involved in proceedings under chapter 71.09 RCW, an estimated number of attorneys statewide who are qualified

to provide such representation, and reasonable compensation for such defense services;

(c) The total budget necessary to implement the proposal statewide for fiscal year 2013, including administrative support; and

(d) Possible savings to the state and counties that might result from implementing the proposal.

(3) \$6,065,000 of the general fund--state appropriation for fiscal year 2013 is provided solely to implement Substitute Senate Bill No. 6493 (sexual predator commitment). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

**Sec. 113.** 2011 2nd sp.s. c 9 s 109 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF THE GOVERNOR**

General Fund--State Appropriation (FY 2012) .....	(\$5,311,000))
.....	\$4,965,000
General Fund--State Appropriation (FY 2013) .....	(\$5,292,000))
.....	\$5,193,000
Economic Development Strategic Reserve Account--State	
Appropriation .....	\$1,500,000
<b>TOTAL APPROPRIATION .....</b>	<b>(\$12,103,000))</b>
.....	\$11,658,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,500,000 of the economic development strategic reserve account appropriation is provided solely for efforts to assist with currently active industrial recruitment efforts that will bring new jobs to the state or will retain headquarter locations of major companies currently housed in the state.

(2) (~~(\$547,000))~~ \$404,000 of the general fund--state appropriation for fiscal year 2012 and (~~(\$547,000))~~ \$418,000 of the general fund-- state appropriation for fiscal year 2013 are provided solely for the office of the education ombudsman.

**Sec. 114.** 2011 1st sp.s. c 50 s 117 (uncodified) is amended to read as follows:

**FOR THE LIEUTENANT GOVERNOR**

General Fund--State Appropriation (FY 2012) .....	(\$687,000))
.....	\$653,000
General Fund--State Appropriation (FY 2013) .....	(\$698,000))
.....	\$663,000
General Fund--Private/Local Appropriation.....	\$90,000
<b>TOTAL APPROPRIATION .....</b>	<b>(\$1,475,000))</b>
.....	\$1,406,000

**Sec. 115.** 2011 2nd sp.s. c 9 s 110 (uncodified) is amended to read as follows:

**FOR THE PUBLIC DISCLOSURE COMMISSION**

General Fund--State Appropriation (FY 2012) .....	(\$2,106,000))
.....	\$2,021,000
General Fund--State Appropriation (FY 2013) .....	(\$2,129,000))
.....	\$2,002,000
<b>TOTAL APPROPRIATION .....</b>	<b>(\$4,235,000))</b>
.....	\$4,023,000

The appropriations in this section are subject to the following conditions and limitations: \$43,000 of the general fund--state appropriation for fiscal year 2012 and \$82,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5021 (election campaign disclosure).

**Sec. 116.** 2011 2nd sp.s. c 9 s 111 (uncodified) is amended to read as follows:

**FOR THE SECRETARY OF STATE**

General Fund--State Appropriation (FY 2012) .....	(\$16,014,000))
.....	\$16,013,000
General Fund--State Appropriation (FY 2013) .....	(\$12,862,000))
.....	\$8,862,000
General Fund--Federal Appropriation .....	\$7,338,000
Public Records Efficiency, Preservation, and Access	

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Account--State Appropriation.....	..(((\$7,950,000))
.....	.....\$7,156,000
Charitable Organization Education Account--State	
Appropriation.....	..(((\$452,000))
.....	.....\$362,000
Local Government Archives Account--State	
Appropriation.....	..(((\$10,557,000))
.....	.....\$8,557,000
Election Account--Federal Appropriation .....	.....\$17,288,000
Washington State Heritage Center Account--State	
Appropriation.....	..(((\$1,028,000))
TOTAL APPROPRIATION .....	.....(((\$73,489,000))

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,898,000 of the general fund--state appropriation for fiscal year 2012 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.

(2)(a) \$1,847,000 of the general fund--state appropriation for fiscal year 2012 and \$1,926,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for contracting with a nonprofit organization to produce gavel- to-gavel television coverage of state government deliberations and other events of statewide significance during the 2011-2013 biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a contract with the nonprofit organization to provide public affairs coverage.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(3) Any reductions to funding for the Washington talking book and Braille library may not exceed in proportion any reductions taken to the funding for the library as a whole.

Sec. 117. 2011 1st sp.s. c 50 s 120 (uncodified) is amended to read as follows:

FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS	
General Fund--State Appropriation (FY 2012) .....	..(((\$259,000))
.....	.....\$246,000
General Fund--State Appropriation (FY 2013) .....	..(((\$267,000))
.....	.....\$254,000

TOTAL APPROPRIATION .....	.....(((\$526,000))
.....	.....\$500,000

The appropriations in this section are subject to the following conditions and limitations: The office shall assist the department of enterprise services on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department of enterprise services shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

Sec. 118. 2011 2nd sp.s. c 9 s 112 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON ASIAN PACIFIC AMERICAN AFFAIRS

General Fund--State Appropriation (FY 2012) .....	..(((\$236,000))
.....	.....\$224,000
General Fund--State Appropriation (FY 2013) .....	..(((\$219,000))
.....	.....\$208,000
TOTAL APPROPRIATION .....	.....(((\$455,000))
.....	.....\$432,000

Sec. 119. 2011 2nd sp.s. c 9 s 113 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER

State Treasurer's Service Account--State	
Appropriation.....	..(((\$14,994,000))
.....	.....\$13,488,000

Sec. 120. 2011 2nd sp.s. c 9 s 114 (uncodified) is amended to read as follows:

FOR THE STATE AUDITOR

State Auditing Services Revolving Account--State	
Appropriation.....	..(((\$10,293,000))
.....	.....\$9,253,000
Performance Audit of Government Account--State	
Appropriation.....	.....\$1,461,000
TOTAL APPROPRIATION .....	.....(((\$11,754,000))
.....	.....\$10,714,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Audits of school districts by the division of municipal corporations shall include findings regarding the accuracy of: (a) Student enrollment data; and (b) the experience and education of the district's certified instructional staff, as reported to the superintendent of public instruction for allocation of state funding.

(2) \$1,461,000 of the performance audits of government account appropriation is provided solely for staff and related costs to verify the accuracy of reported school district data submitted for state funding purposes; conduct school district program audits of state funded public school programs; establish the specific amount of state funding adjustments whenever audit exceptions occur and the amount is not firmly established in the course of regular public school audits; and to assist the state special education safety net committee when requested.

(3) Within the amounts appropriated in this section, the state auditor shall continue to complete the annual audit of the state's comprehensive annual financial report and the annual federal single audit consistent with the auditing standards generally accepted in the United States and the standards applicable to financial audits contained in government auditing standards, issued by the comptroller general of the United States, and OMB circular A-133, audits of states, local governments, and nonprofit organizations.

Sec. 121. 2011 1st sp.s. c 50 s 124 (uncodified) is amended to read as follows:

FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

General Fund--State Appropriation (FY 2012) .....	(\$158,000)
.....	\$145,000
General Fund--State Appropriation (FY 2013) .....	(\$195,000)
.....	\$190,000
TOTAL APPROPRIATION .....	(\$353,000)
.....	\$335,000

Sec. 122. 2011 2nd sp.s. c 9 s 115 (uncodified) is amended to read as follows:

FOR THE ATTORNEY GENERAL

General Fund--State Appropriation (FY 2012) .....	\$4,758,000
General Fund--State Appropriation (FY 2013) .....	(\$2,727,000)
.....	\$7,740,000
General Fund--Federal Appropriation .....	(\$8,819,000)
.....	\$10,015,000
New Motor Vehicle Arbitration Account--State Appropriation .....	\$972,000
Legal Services Revolving Account--State Appropriation .....	(\$206,617,000)
.....	\$196,105,000
Tobacco Prevention and Control Account--State Appropriation .....	\$270,000
Medicaid Fraud Penalty Account--State Appropriation .....	\$1,129,000
TOTAL APPROPRIATION .....	(\$224,163,000)
.....	\$220,989,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year. As part of its by agency report to the legislative fiscal committees and the office of financial management, the office of the attorney general shall include information detailing the agency's expenditures for its agency-wide overhead and a breakdown by division of division administration expenses.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on ways and means.

(3) The attorney general shall annually report to the fiscal committees of the legislature all new *cy pres* awards and settlements and all new accounts, disclosing their intended uses, balances, the nature of the claim or account, proposals, and intended timeframes for the expenditure of each amount. The report shall be distributed electronically and posted on the attorney general's web site. The report shall not be printed on paper or distributed physically.

(4) The attorney general shall enter into an interagency agreement with the department of social and health services for expenditure of the state's proceeds from the *cy pres* settlement in *State of Washington v. AstraZeneca* (Seroquel) for the purposes set forth in sections 204 and 213 of this act.

(5) \$62,000 of the legal services revolving fund--state appropriation is provided solely to implement House Bill No. 1770 (state purchasing). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(6) \$5,924,000 of the legal services revolving account--state appropriation is provided solely to implement House Bill No. 2123 (workers' compensation). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(7) The office of the attorney general is authorized to expend \$2,100,000 from the *Zyprexa* and other *cy pres* awards towards consumer protection costs in accordance with uses authorized in the court orders.

(8) \$96,000 of the legal services revolving fund--state appropriation is provided solely to implement Senate Bill No. 5076 (financial institutions). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(9) \$99,000 of the legal services revolving fund--state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 5769 (coal-fired generation). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(10) \$416,000 of the legal services revolving fund--state appropriation is provided solely to implement Substitute Senate Bill No. 5801 (industrial insurance system). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(11) \$31,000 of the legal services revolving fund--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5021 (election campaign disclosure). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(12) The executive ethics board shall: (a) Develop a statewide plan, with performance measures, to provide overall direction and accountability in all executive branch agencies and statewide elected offices; (b) coordinate and work with the commission on judicial conduct and the legislative ethics board; (c) assess and evaluate each agency's ethical culture through employee and stakeholder surveys, review Washington state quality award feedback reports, and publish an annual report on the results to the public; and (d) solicit outside evaluations, studies, and recommendations for improvements from academics, nonprofit organizations, the public disclosure commission, or other entities with expertise in ethics, integrity, and the public sector.

(13) \$5,743,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for the legal costs associated with the evaluation, filing, prosecution, response to petitions for release, and appeal of sexually violent predator civil commitment cases as provided in chapter 71.09 RCW. Within the amount provided in this subsection, the attorney general may enter into an interagency agreement with a county prosecutor to perform prosecution services pursuant to chapter 71.09 RCW.

Sec. 123. 2011 2nd sp.s. c 9 s 116 (uncodified) is amended to read as follows:

FOR THE CASELOAD FORECAST COUNCIL

General Fund--State Appropriation (FY 2012) .....	(\$1,310,000)
.....	\$1,243,000
General Fund--State Appropriation (FY 2013) .....	(\$1,309,000)
.....	\$1,241,000
TOTAL APPROPRIATION .....	(\$2,619,000)
.....	\$2,484,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section include funding for activities transferred from the sentencing guidelines commission to the caseload forecast council pursuant to Engrossed Substitute Senate Bill No. 5891 (criminal justice cost savings). Prior to the effective date of Engrossed Substitute Senate Bill No. 5891, the appropriations in this section may be expended for the continued operations and expenses of the sentencing guidelines commission pursuant to the expenditure authority schedule produced by the office of financial management in accordance with chapter 43.88 RCW.

(2) \$57,000 of the general fund--state appropriation for fiscal year 2012 and \$57,000 of the general fund--state appropriation for

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fiscal year 2013 are provided solely for the implementation of Senate Bill No. 5304 (college bound scholarship).

Sec. 124. 2011 2nd sp.s. c 9 s 117 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

General Fund--State Appropriation (FY 2012) .....	(\$57,261,000)
.....	\$35,648,000
General Fund--State Appropriation (FY 2013) .....	(\$72,459,000)
.....	\$36,826,000
General Fund--Federal Appropriation .....	(\$282,185,000)
.....	\$338,284,000
General Fund--Private/Local Appropriation.....	(\$4,989,000)
.....	\$4,988,000
Public Works Assistance Account--State	
Appropriation .....	\$2,764,000
Drinking Water Assistance Administrative .....	
Account--State Appropriation.....	\$437,000
Lead Paint Account--State Appropriation .....	\$65,000
Building Code Council Account--State Appropriation .....	\$13,000
Home Security Fund Account--State Appropriation .....	\$16,652,000
Affordable Housing for All Account--State	
Appropriation .....	\$11,902,000
County Research Services Account--State	
Appropriation .....	(\$1,081,000)
.....	\$512,000
Financial Fraud and Identity Theft Crimes Investigation	
and Prosecution Account--State Appropriation .....	\$1,166,000
Low-Income Weatherization Assistance Account--State .....	
Appropriation .....	(\$5,778,000)
.....	\$2,430,000
City and Town Research Services Account--State	
Appropriation .....	(\$5,166,000)
.....	\$2,447,000
((Manufacturing Innovation and Modernization	
Account--State Appropriation.....	\$61,000))
Community and Economic Development Fee Account--State	
Appropriation .....	(\$6,488,000)
.....	\$6,786,000
Washington Housing Trust Account--State	
Appropriation .....	(\$17,498,000)
.....	\$23,498,000
Prostitution Prevention and Intervention Account--	
State Appropriation .....	\$86,000
Public Facility Construction Loan Revolving	
Account--State Appropriation.....	\$755,000
Washington Community Technology Opportunity Account--	
State Appropriation .....	\$713,000
Liquor Revolving Account--State Appropriation .....	\$2,802,000
TOTAL APPROPRIATION .....	(\$487,519,000)
.....	\$488,774,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Repayments of outstanding mortgage and rental assistance program loans administered by the department under RCW 43.63A.640 shall be remitted to the department, including any current revolving account balances. The department shall collect payments on outstanding loans, and deposit them into the state general fund. Repayments of funds owed under the program shall be remitted to the department according to the terms included in the original loan agreements.

(2) \$500,000 of the general fund--state appropriation for fiscal year 2012 and \$500,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for a grant to resolution Washington to building statewide capacity for alternative dispute resolution centers and dispute resolution programs that guarantee

that citizens have access to low-cost resolution as an alternative to litigation.

(3) \$306,000 of the general fund--state appropriation for fiscal year 2012 and \$306,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for a grant to the retired senior volunteer program.

(4) The department shall administer its growth management act technical assistance so that smaller cities receive proportionately more assistance than larger cities or counties.

(5) \$1,800,000 of the home security fund--state appropriation is provided for transitional housing assistance or partial payments for rental assistance under the independent youth housing program.

(6) \$5,000,000 of the home security fund--state appropriation is for the operation, repair, and staffing of shelters in the homeless family shelter program.

(7) ~~(\$198,000)~~ \$115,000 of the general fund--state appropriation for fiscal year 2012 ~~((and \$198,000 of the general fund--state appropriation for fiscal year 2013 are))~~ is provided solely for the Washington new Americans program.

(8) \$2,949,000 of the general fund--state appropriation for fiscal year 2012 and \$2,949,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for associate development organizations.

(9) \$127,000 of the general fund--federal appropriation is provided solely for implementation of Substitute House Bill No. 1886 (Ruckelshaus center process). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(10) Up to \$200,000 of the general fund--private/local appropriation is for a grant to the Washington tourism alliance for the maintenance of the Washington state tourism web site www.experiencewa.com and its related sub-sites. The department may transfer ownership of the web site and other tourism promotion assets and assign obligations to the Washington tourism alliance for purposes of tourism promotion throughout the state. The alliance may use the assets only in a manner consistent with the purposes for which they were created. Any revenue generated from these assets must be used by the alliance for the sole purposes of statewide Washington tourism promotion. The legislature finds that the Washington tourism alliance, a not-for-profit, 501.c.6 organization established, funded, and governed by Washington tourism industry stakeholders to sustain destination tourism marketing across Washington, is an appropriate body to receive funding and assets from and assume obligations of the department for the purposes described in this section.

(11) Within the appropriations in this section, specific funding is provided to implement Substitute Senate Bill No. 5741 (economic development commission).

(12) \$2,000,000 of the community and economic development fee account appropriation is provided solely for the department of commerce for services to homeless families through the Washington families fund.

(13) ~~(\$260,000)~~ \$173,000 of the general fund--state appropriation for fiscal year 2012 ~~((and \$259,000 of the general fund--state appropriation for fiscal year 2013 are))~~ is provided solely for the Washington asset building coalitions.

(14) \$1,859,000 of the general fund--state appropriation for fiscal year 2012 and \$1,859,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for innovative research teams, also known as entrepreneurial STARS, at higher education research institutions, and for entrepreneurs-in-residence programs at higher education research institutions and entrepreneurial assistance organizations. Of these amounts no more than \$50,000 in fiscal year 2012 and no more than \$50,000 in fiscal year 2013 may be provided for the operation of

entrepreneurs-in-residence programs at entrepreneurial assistance organizations external to higher education research institutions.

(15) Up to \$700,000 of the general fund--private/local appropriation is for pass-through grants to cities in central Puget Sound to plan for transfer of development rights receiving areas under the central Puget Sound regional transfer of development rights program.

(16) \$16,000 of the general fund--state appropriation for fiscal year 2012 is provided solely to implement section 503 of Substitute House Bill No. 1277 (licensed settings for vulnerable adults). The long-term care ombudsman shall convene an adult family home quality assurance panel to review problems concerning the quality of care for residents in adult family homes. If Substitute House Bill No. 1277 (licensed settings for vulnerable adults) is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(17) ~~(\$24,605,000)~~ \$4,291,000 of the general fund--state appropriation for fiscal year 2012 ~~(and \$39,527,000)~~, \$6,882,000 of the general fund--state appropriation for fiscal year 2013, and \$6,000,000 of the home security fund--state appropriation are provided solely for establishment of the essential needs and housing support program created in Engrossed Substitute House Bill No. 2082 (essential needs and assistance program). The department of commerce shall contract for these services with counties or community-based organizations involved in providing essential needs and housing supports to low-income persons who meet eligibility pursuant to Engrossed Substitute House Bill No. 2082. The department shall limit the funding used for administration of the program to no more than five percent. Counties and community providers shall limit the funding used for administration of the program to no more than seven percent.

((a) Of the amounts provided in this subsection, \$4,000,000 is provided solely for essential needs to clients who meet the eligibility established in Engrossed Substitute House Bill No. 2082. Counties and community-based organizations shall distribute basic essential products in a manner that prevents abuse. To the greatest extent possible, the counties or community-based organizations shall leverage local or private funds, and volunteer support to acquire and distribute the basic essential products.

(b) Of the amounts provided in this subsection, \$30,000,000 is provided solely for housing support services to individuals who are homeless and eligible for services under this program pursuant to Engrossed Substitute House Bill No. 2082.

(c) Of the amounts provided in this subsection, \$30,000,000 is provided solely as a contingency fund to provide housing support services for individuals who may become homeless and are otherwise eligible for this program pursuant to Engrossed Substitute House Bill No. 2082.)

**Sec. 125.** 2011 1st sp.s. c 50 s 128 (uncodified) is amended to read as follows:

FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL

General Fund--State Appropriation (FY 2012)	<del>(\$674,000)</del>
.....	\$639,000
General Fund--State Appropriation (FY 2013)	<del>(\$728,000)</del>
.....	\$693,000
Lottery Administrative Account--State Appropriation	\$50,000
TOTAL APPROPRIATION	<del>(\$1,452,000)</del>
.....	\$1,382,000

Sec. 126. 2011 2nd sp.s. c 9 s 118 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund--State Appropriation (FY 2012)	<del>(\$18,627,000)</del>
.....	\$18,112,000
General Fund--State Appropriation (FY 2013)	<del>(\$18,851,000)</del>
.....	\$18,027,000
General Fund--Federal Appropriation	\$31,534,000

General Fund--Private/Local Appropriation	<del>(\$1,270,000)</del>
.....	\$1,370,000
Performance Audits of Government Account--	
State Appropriation	<del>(\$25,000)</del>
.....	\$198,000
Economic Development Strategic Reserve Account--	
State Appropriation	\$280,000
Department of Personnel Services--State	
Appropriation	<del>(\$7,827,000)</del>
.....	\$8,597,000
Data Processing Revolving Account--State	
Appropriation	<del>(\$5,208,000)</del>
.....	\$5,918,000
Higher Education Personnel Services Account--State	
Appropriation	\$1,537,000
Aquatic Lands Enhancement Account--State Appropriation	
.....	\$100,000
Forest Fire Protection Assessment Account--State	
Appropriation	\$250,000
TOTAL APPROPRIATION	<del>(\$85,259,000)</del>
.....	\$85,923,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,210,000 of the general fund--state appropriation for fiscal year 2012 and \$1,210,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for implementation of House Bill No. 1178 (regulatory assistance office). If the bill is not enacted by June 30, 2011, the amounts provided in this subsection shall lapse.

(2) \$150,000 of the general fund--state appropriation for fiscal year 2012 is provided solely for the office of financial management to contract with an independent consultant to evaluate and recommend the most cost-effective provision of services required to support the department of social and health services special commitment center on McNeil Island. The evaluation shall include island operation services that include, but are not limited to: (a) Marine transport of passengers and goods; (b) wastewater treatment; (c) fire protection and suppression; (d) electrical supply; (e) water supply; and (f) road maintenance.

The office of financial management shall solicit the input of Pierce county, the department of corrections, and the department of social and health services in developing the request for proposal, evaluating applications, and directing the evaluation. The consultant shall report to the governor and legislature by November 15, 2011.

(3) \$100,000 of the aquatic lands enhancement account--state appropriation is provided solely for the office of financial management to prepare a report to be used to initiate a comprehensive, long-range planning process for the future of McNeil Island during the 2013-2015 fiscal biennium.

- (a) The report on the initiation of the process must document:
  - (i) Ownership issues, including consultation with the federal government about its current legal requirements associated with the island;
  - (ii) Federal and state decision-making processes to change use or ownership;
  - (iii) Tribal treaty interests;
  - (iv) Fish and wildlife species and their habitats;
  - (v) Land use and public safety needs;
  - (vi) Recreational opportunities for the general public;
  - (vii) Historic and archaeological resources; and
  - (viii) Revenue from and necessary to support potential future uses of the island.

(b) The report shall develop and recommend a comprehensive, long-range planning process for the future of the island and

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associated aquatic resources, addressing the items in (a) of this subsection.

(c) The office of financial management may use its own staff and other public agency and tribal staff or contract for services, and may create a work group of knowledgeable agencies, organizations, and individuals to assist in preparing the report.

(d) The office of financial management shall engage in broad consultation with interested parties, including, but not limited to:

- (i) Federal agencies with relevant responsibilities;
- (ii) Tribal governments;
- (iii) State agencies;
- (iv) Local governments and communities in the area, including the Anderson Island community, Steilacoom, and Pierce county; and
- (v) Interested private organizations and individuals.

(e) The report must be submitted to the governor and appropriate committees of the legislature by October 1, 2012.

(4) The appropriations in this section include funding for activities transferred from the sentencing guidelines commission to the office of financial management pursuant to Engrossed Substitute Senate Bill No. 5891 (criminal justice cost savings). Prior to the effective date of Engrossed Substitute Senate Bill No. 5891, the appropriations in this section may be expended for the continued operations and expenses of the sentencing guidelines commission pursuant to the expenditure authority schedule produced by the office of financial management in accordance with chapter 43.88 RCW.

(5)(a) \$250,000 of the forest fire protection assessment account--state appropriation is provided solely for the office of financial management to contract for analysis and recommendations to improve the efficiency and effectiveness of the state's mechanisms for funding fire prevention and suppression activities.

(b) The contract must provide for: (i) Consultation with the appropriate committees of the legislature, the office of financial management, the department of natural resources, and appropriate stakeholders at the onset of the contract regarding the scope of and timeline for the analysis and recommendations; (ii) by September 1, 2012, development of initial analysis of potential means to improve the efficiency and effectiveness of the state's mechanisms for funding fire prevention and suppression activities, including analysis of such options as the use of private or state insurance, the increased use of revolving accounts, and any examples where those mechanisms have been previously utilized; (iii) following development of the initial analysis under (b)(ii) of this subsection, distribution of the analysis and solicitation of input from the entities identified in (b)(i) of this subsection; and (iv) based on the input under (b)(iii) of this subsection, development of recommendations for implementation of select potential means to improve the efficiency and effectiveness of the state's mechanisms for funding fire prevention and suppression activities, including the necessary steps for implementation and opportunities and risks associated with the identified mechanisms.

(c) By June 30, 2013, and consistent with RCW 43.01.036, the office of financial management must provide a report to the appropriate committees of the legislature, including the analysis and recommendations developed under this subsection.

(6) The appropriations in this section for the office of regulatory assistance assume the implementation of Senate Bill No. 6023 (permit efficiency).

**Sec. 127.** 2011 2nd sp.s. c 9 s 119 (uncodified) is amended to read as follows:

FOR THE OFFICE OF ADMINISTRATIVE HEARINGS  
 Administrative Hearings Revolving Account--State  
 Appropriation .....(((\$34,043,000))  
 .....\$35,847,000

The appropriation in this section is subject to the following conditions and limitations: \$769,000 of the administrative hearings revolving account--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5921 (social services programs). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

**Sec. 128.** 2011 2nd sp.s. c 9 s 120 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE LOTTERY  
 Lottery Administrative Account--State  
 Appropriation (((\$25,709,000))  
 \$24,908,000

The appropriation in this section is subject to the following conditions and limitations: Funding is reduced for administrative and operating costs that do not impact revenue-generating activities. Beyond these savings, the state lottery shall consider methods of achieving other efficiencies, including reductions in unproductive marketing expenses, reductions in contracted services, adjustments to prize payments, and disbursements of unclaimed prize moneys in order to increase distributions to beneficiaries.

**Sec. 129.** 2011 1st sp.s. c 50 s 132 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON HISPANIC AFFAIRS  
 General Fund--State Appropriation (FY 2012) .....(((\$246,000))  
 .....\$234,000  
 General Fund--State Appropriation (FY 2013) .....(((\$250,000))  
 .....\$237,000  
 TOTAL APPROPRIATION .....(((\$496,000))  
 .....\$471,000

Sec. 130. 2011 1st sp.s. c 50 s 133 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS  
 General Fund--State Appropriation (FY 2012) .....(((\$239,000))  
 .....\$221,000  
 General Fund--State Appropriation (FY 2013) .....(((\$238,000))  
 .....\$232,000  
 TOTAL APPROPRIATION .....(((\$477,000))  
 .....\$453,000

Sec. 131. 2011 2nd sp.s. c 9 s 121 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS  
 Department of Retirement Systems Expense  
 Account--State Appropriation .....(((\$47,049,000))  
 .....\$47,128,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$146,000 of the department of retirement systems--state appropriation is provided solely for the administrative costs associated with implementation of House Bill No. 2070 (state and local government employees). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(2) \$65,000 of the department of retirement systems--state appropriation is provided solely for the administrative costs associated with implementation of House Bill No. 1625 (plan 3 default investment option). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(3) \$133,000 of the department of retirement systems--state appropriation is provided solely for the administrative costs associated with implementation of Engrossed House Bill No. 1981 as amended (post-retirement employment). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(4) \$15,000 of the department of retirement systems expense account--state appropriation is provided solely for the

administrative costs associated with implementation of Substitute House Bill No. 2021 (plan 1 annual increase amounts). If the bill is not enacted by June 30, 2011, the amount provided in this section shall lapse.

(5) \$64,000 of the department of retirement systems expense account--state appropriation is provided solely for the administrative costs associated with implementation of House Bill No. 2441 (limiting excess compensation). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(6) \$32,000 of the department of retirement systems expense account--state appropriation is provided solely for the administrative costs associated with implementation of Senate Bill No. 5159 (transfer of service into the Washington state patrol retirement system). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

Sec. 132. 2011 2nd sp.s. c 9 s 122 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF REVENUE

Table with 2 columns: Description and Amount. Includes General Fund--State Appropriation (FY 2012), General Fund--State Appropriation (FY 2013), Timber Tax Distribution Account--State Appropriation, Waste Reduction/Recycling/Litter Control--State Appropriation, Waste Tire Removal Account--State Appropriation, State Toxics Control Account--State Appropriation, Oil Spill Prevention Account--State Appropriation, Master License Fund--State Appropriation, Vehicle License Fraud Account--State Appropriation, Performance Audits of Government Account--State Appropriation, and TOTAL APPROPRIATION.

The appropriations in this section are subject to the following conditions and limitations: \$120,000 of the general fund--state appropriation for fiscal year 2012, \$1,133,000 of the general fund--state appropriation for fiscal year 2013, and \$798,000 of the master license fund--state appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 6356 (single portal for business). If the bill is not enacted by June 30, 2012, the amounts provided in this subsection shall lapse.

Sec. 133. 2011 1st sp.s. c 50 s 137 (uncodified) is amended to read as follows:

FOR THE BOARD OF TAX APPEALS

Table with 2 columns: Description and Amount. Includes General Fund--State Appropriation (FY 2012), General Fund--State Appropriation (FY 2013), and TOTAL APPROPRIATION.

Sec. 134. 2011 2nd sp.s. c 9 s 123 (uncodified) is amended to read as follows:

FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

Table with 2 columns: Description and Amount. Includes OMWBE Enterprises Account--State Appropriation.

Sec. 135. 2011 2nd sp.s. c 9 s 125 (uncodified) is amended to read as follows:

FOR THE INSURANCE COMMISSIONER

Table with 2 columns: Description and Amount. Includes General Fund--Federal Appropriation, Insurance Commissioners Regulatory Account--State Appropriation, and TOTAL APPROPRIATION.

.....\$51,964,000  
The appropriations in this section are subject to the following conditions and limitations:

(1) \$75,000 of the insurance commissioner's regulatory account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5445 (health benefit exchange).

(2) \$42,000 of the insurance commissioner's regulatory account--state appropriation is provided solely for the implementation of Senate Bill No. 5213 (insurance statutes).

Sec. 136. 2011 2nd sp.s. c 9 s 128 (uncodified) is amended to read as follows:

FOR THE LIQUOR CONTROL BOARD

Table with 2 columns: Description and Amount. Includes Liquor Control Board Construction and Maintenance Account--State Appropriation, Liquor Revolving Account--State Appropriation, General Fund--Federal Appropriation, General Fund--Private/Local Appropriation, Liquor Excise Tax Account--State Appropriation, and TOTAL APPROPRIATION.

Sec. 137. 2011 2nd sp.s. c 9 s 129 (uncodified) is amended to read as follows:

FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Table with 2 columns: Description and Amount. Includes General Fund--Federal Appropriation, General Fund--Private/Local Appropriation, Public Service Revolving Account--State Appropriation, Pipeline Safety Account--State Appropriation, Pipeline Safety Account--Federal Appropriation, and TOTAL APPROPRIATION.

The appropriations in this section are subject to the following conditions and limitations:

(1) In accordance with RCW 80.36.610(1), the utilities and transportation commission is authorized to establish federal telecommunications act services fees in fiscal year 2012 as necessary to meet the actual costs of conducting business and the appropriation levels in this section.

(2) \$15,000 of the pipeline safety account--state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1634 (underground utilities).

(3) \$182,000 of the public service revolving account--state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5769 (coal-fired generation).

(4) \$169,000 of the public service revolving account--state appropriation is provided solely for the implementation of Second Substitute Senate Bill No. 5034 (private infrastructure).

Sec. 138. 2011 2nd sp.s. c 9 s 130 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

Table with 2 columns: Description and Amount. Includes General Fund--State Appropriation (FY 2012), General Fund--State Appropriation (FY 2013), General Fund--Federal Appropriation, Enhanced 911 Account--State Appropriation, Disaster Response Account--State Appropriation, and Disaster Response Account--Federal Appropriation.

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Military Department Rent and Lease Account--State  
 Appropriation .....\$615,000  
 Worker and Community Right-to-Know Account--State  
 Appropriation .....\$2,165,000  
**TOTAL APPROPRIATION** .....(((\$307,066,000))  
 .....\$309,130,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$18,018,000 of the disaster response account--state appropriation and \$66,266,000 of the disaster response account--federal appropriation may be spent only on disasters declared by the governor and with the approval of the office of financial management. The military department shall submit a report to the office of financial management and the legislative fiscal committees on October 1st and February 1st of each year detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2011-2013 biennium based on current revenue and expenditure patterns.

(2) \$75,000,000 of the general fund--federal appropriation is provided solely for homeland security, subject to the following conditions:

(a) Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee; and

(b) The department shall submit an annual report to the office of financial management and the legislative fiscal committees detailing the governor's domestic security advisory group recommendations; homeland security revenues and expenditures, including estimates of total federal funding for the state; and incremental changes from the previous estimate.

Sec. 139. 2011 2nd sp.s. c 9 s 131 (uncodified) is amended to read as follows:

**FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION**  
 General Fund--State Appropriation (FY 2012) .....(((\$2,346,000))  
 .....\$2,110,000  
 General Fund--State Appropriation (FY 2013) .....(((\$2,400,000))  
 .....\$2,161,000  
 Higher Education Personnel Services Account--State  
 Appropriation .....\$251,000  
 Department of Personnel Service Account--State  
 Appropriation .....\$3,309,000  
**TOTAL APPROPRIATION** .....(((\$8,306,000))  
 .....\$7,831,000

Sec. 140. 2011 2nd sp.s. c 9 s 132 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ENTERPRISE SERVICES**  
 General Fund--State Appropriation (FY 2012) .....(((\$3,501,000))  
 .....\$3,328,000  
 General Fund--State Appropriation (FY 2013) .....(((\$3,495,000))  
 .....\$3,265,000  
 General Fund--Federal Appropriation .....\$177,000  
 General Fund--Private/Local Appropriation.....\$368,000  
 Building Code Council Account--State Appropriation ...\$1,187,000  
 Department of Personnel Service Account--State  
 Appropriation .....(((\$11,119,000))  
 .....\$11,131,000  
 Enterprise Services Account--State Appropriation...(((\$26,540,000))  
 .....\$26,585,000  
**TOTAL APPROPRIATION** .....(((\$46,387,000))  
 .....\$46,041,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are for the operations and expenses of the department of enterprise services as established by Engrossed Substitute Senate Bill No. 5931 (central service functions of state government), effective October 1, 2011. Prior to October 1, 2011, the appropriations in this section may be expended for the continued operations and expenses of the office of financial management, the department of general administration, the department of information services, and the department of personnel, pursuant to the expenditure authority schedules produced by the office of financial management, in accordance with chapter 43.88 RCW.

(2) ((~~\$3,090,000~~)) \$3,028,000 of the general fund--state appropriation for fiscal year 2012 and ((~~\$3,090,000~~)) \$2,967,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the payment of facilities and services charges, utilities and contracts charges, public and historic facilities charges, and capital projects surcharges allocable to the senate, house of representatives, statute law committee, and joint legislative systems committee. The department shall allocate charges attributable to these agencies among the affected revolving funds. The department shall maintain an interagency agreement with these agencies to establish performance standards, prioritization of preservation and capital improvement projects, and quality assurance provisions for the delivery of services under this subsection. The legislative agencies named in this subsection shall continue to enjoy all of the same rights of occupancy and space use on the capitol campus as historically established.

(3) In accordance with RCW 46.08.172 and 43.135.055, the department is authorized to increase parking fees in fiscal years 2012 and 2013 as necessary to meet the actual costs of conducting business.

(4) The building code council account appropriation is provided solely for the operation of the state building code council as required by statute and modified by the standards established by executive order 10-06. The council shall not consider any proposed code amendment or take any other action not authorized by statute or in compliance with the standards established in executive order 10-06. No member of the council may receive compensation, per diem, or reimbursement for activities other than physical attendance at those meetings of the state building code council or the council's designated committees, at which the opportunity for public comment is provided generally and on all agenda items upon which the council proposes to take action.

(5) Specific funding is provided for the purposes of section 3 of House Bill No. 1770 (state purchasing).

(6) The amounts appropriated in this section are for implementation of Senate Bill No. 5931 (streamlining central service functions).

**Sec. 141.** 2011 1st sp.s. c 50 s 151 (uncodified) is amended to read as follows:

**FOR INNOVATE WASHINGTON**  
 General Fund--State Appropriation (FY 2012) .....(((\$2,999,000))  
 .....\$2,911,000  
 General Fund--State Appropriation (FY 2013) .....(((\$3,011,000))  
 .....\$2,798,000  
**TOTAL APPROPRIATION** .....(((\$6,010,000))  
 .....\$5,709,000

(End of part)

**PART II  
HUMAN SERVICES**

**Sec. 201.** 2011 2nd sp.s. c 9 s 201 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(1) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The health care authority and the department are authorized to develop an integrated health care program designed to slow the progression of illness and disability and better manage medicaid expenditures for the aged and disabled population. Under this Washington medicaid integration partnership (WMIP), the health care authority and the department may combine and transfer such medicaid funds appropriated under sections 204, 206, 208, and 213 of this act as may be necessary to finance a unified health care plan for the WMIP program enrollment. The WMIP pilot projects shall not exceed a daily enrollment of 6,000 persons, nor expand beyond one county during the 2011-2013 fiscal biennium. The amount of funding assigned from each program may not exceed the average per capita cost assumed in this act for individuals covered by that program, actuarially adjusted for the health condition of persons enrolled, times the number of clients enrolled. In implementing the WMIP, the health care authority and the department may: (a) Withhold from calculations of "available resources" as set forth in RCW 71.24.025 a sum equal to the capitated rate for enrolled individuals; and (b) employ capitation financing and risk-sharing arrangements in collaboration with health care service contractors licensed by the office of the insurance commissioner and qualified to participate in both the medicaid and medicare programs. The health care authority and the department shall conduct an evaluation of the WMIP, measuring changes in participant health outcomes, changes in patterns of service utilization, participant satisfaction, participant access to services, and the state fiscal impact.

(4) The legislature finds that medicaid payment rates, as calculated by the department pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

(5) The department shall to the maximum extent practicable use the same system for delivery of spoken-language interpreter

services for social services appointments as the one established for medical appointments in section 213 of this act. When contracting directly with an individual to deliver spoken language interpreter services, the department shall only contract with language access providers who are working at a location in the state and who are state-certified or state-authorized, except that when such a provider is not available, the department may use a language access provider who meets other certifications or standards deemed to meet state standards, including interpreters in other states.

(6)(a) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, 2012, unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year 2012 among programs after approval by the director of financial management. However, the department shall not transfer state moneys that are provided solely for a specified purpose except as expressly provided in (b) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year 2012 caseload forecasts and utilization assumptions in the long-term care, foster care, adoptions support, medicaid personal care, and child support programs, the department may transfer state moneys that are provided solely for a specified purpose. The department shall not transfer funds, and the director of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

**Sec. 202.** 2011 2nd sp.s. c 9 s 202 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM

General Fund--State Appropriation (FY 2012) .....	(\$295,011,000)
.....	\$285,329,000
General Fund--State Appropriation (FY 2013) .....	(\$294,232,000)
.....	\$278,374,000
General Fund--Federal Appropriation .....	(\$487,912,000)
.....	\$475,927,000
General Fund--Private/Local Appropriation.....	\$1,358,000
Home Security Fund--State Appropriation.....	\$10,741,000
Domestic Violence Prevention Account--State	
Appropriation .....	(\$1,154,000)
.....	\$1,240,000
Education Legacy Trust Account--State Appropriation .....	\$725,000
TOTAL APPROPRIATION .....	(\$1,091,133,000)
.....	\$1,053,694,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within amounts provided for the foster care and adoption support programs, the department shall control reimbursement decisions for foster care and adoption support cases such that the aggregate average cost per case for foster care and for adoption support does not exceed the amounts assumed in the projected caseload expenditures.

(2) (~~(\$668,000)~~) \$651,000 of the general fund--state appropriation for fiscal year 2012 and (~~(\$668,000)~~) \$601,000 of the general fund-- state appropriation for fiscal year 2013 are provided solely to contract for the operation of one pediatric interim care

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center. The center shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the center must be in need of special care as a result of substance abuse by their mothers. The center shall also provide on-site training to biological, adoptive, or foster parents. The center shall provide at least three months of consultation and support to the parents accepting placement of children from the center. The center may recruit new and current foster and adoptive parents for infants served by the center. The department shall not require case management as a condition of the contract. The department shall collaborate with the pediatric interim care center to determine if and how the center could be appropriately incorporated into the performance-based contract model and report its findings to the legislature by December 1, 2012.

(3)(a) ~~((\$85,202,000))~~ \$80,402,000 of the general fund--state appropriation for fiscal year 2012, ~~((\$85,408,000))~~ \$80,477,000 of the general fund--state appropriation for fiscal year 2013, and ~~((\$79,279,000))~~ \$74,358,000 of the general fund--federal appropriation are provided solely for services for children and families ~~((subject to RCW 74.13.360 and House Bill No. 2122 (child welfare)). Prior to approval of contract services pursuant to RCW 74.13.360 and House Bill No. 2122,))~~. The amounts provided in this section shall be allotted on a monthly basis and expenditures shall not exceed allotments based on a three month rolling average without approval of the office of financial management following notification to the legislative fiscal committees.

(b) The department shall use performance-based contracts to provide services to safely reduce the number of children in out-of-home care, safely reduce the time spent in out-of-home care prior to achieving permanency, and safely reduce the number of children returning to out-of-home care following permanency. The department shall provide an initial report to the legislature and the governor by January 15, 2012, regarding the start-up costs associated with performance-based contracts under RCW 74.13.360 ~~((and House Bill No. 2122 (child welfare)))~~.

(4) \$176,000 of the general fund--state appropriation for fiscal year 2012, \$177,000 of the general fund--state appropriation for fiscal year 2013, \$656,000 of the general fund--private/local appropriation, \$253,000 of the general fund--federal appropriation, and \$725,000 of the education legacy trust account--state appropriation are provided solely for children's administration to contract with an educational advocacy provider with expertise in foster care educational outreach. The amounts in this subsection are provided solely for contracted education coordinators to assist foster children in succeeding in K-12 and higher education systems and to assure a focus on education during the transition to performance based contracts. Funding shall be prioritized to regions with high numbers of foster care youth and/or regions where backlogs of youth that have formerly requested educational outreach services exist. The department shall utilize private matching funds to maintain educational advocacy services.

(5) \$670,000 of the general fund--state appropriation for fiscal year 2012 and \$670,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for services provided through children's advocacy centers.

(6) To ensure expenditures remain within available funds appropriated in this section as required by RCW 74.13A.005 and 74.13A.020, the secretary shall not set the amount of any adoption assistance payment or payments, made pursuant to RCW 26.33.320 and 74.13A.005 through 74.13A.080, to more than ninety percent of the foster care maintenance payment for that child had he or she remained in a foster family home during the same period. This subsection does not apply to adoption assistance agreements in existence on the effective date of this section.

(7) \$10,741,000 of the home security fund--state appropriation is provided solely for the department to contract for services pursuant to RCW 13.32A.030 and 74.15.220. The department shall contract and collaborate with service providers in a manner that maintains the availability and geographic representation of secure and semi-secure crisis residential centers and HOPE centers. To achieve efficiencies and increase utilization, the department shall allow the co-location of these centers, except that a youth may not be placed in a secure facility or the secure portion of a co-located facility except as specifically authorized by chapter 13.32A RCW. The reductions to appropriations in this subsection related to semi-secure crisis residential centers reflect a reduction to the number of beds for semi- secure crisis residential centers and not a reduction in rates. Any secure crisis residential center or semi-secure crisis residential center bed reduction shall not be based solely upon bed utilization. The department is to exercise its discretion in reducing the number of beds but to do so in a manner that maintains availability and geographic representation of semi-secure and secure crisis residential centers.

(8) \$47,000 of the general fund--state appropriation for fiscal year 2012, \$14,000 of the general fund--state appropriation for fiscal year 2013, and \$40,000 of the general fund--federal appropriation are provided solely to implement Substitute House Bill No. 1697 (dependency system). If the bill is not enacted by June 30, 2011, the amounts provided in this subsection shall lapse.

(9) \$564,000 of the general fund--federal appropriation is provided solely to implement Second Substitute House Bill No. 1128 (extended foster care). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(10) \$1,000,000 of the general fund--state appropriation for fiscal year 2013 and \$616,000 of the general fund--federal appropriation are provided solely for the implementation of Engrossed Substitute Senate Bill No. 6555 (child protective services). If the bill is not enacted by June 30, 2012, the amounts provided in this subsection shall lapse.

**Sec. 203.** 2011 2nd sp.s. c 9 s 203 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM	
General Fund--State Appropriation (FY 2012) .....	(\$86,684,000)
.....	\$85,756,000
General Fund--State Appropriation (FY 2013) .....	(\$86,505,000)
.....	\$85,816,000
General Fund--Federal Appropriation .....	(\$3,758,000)
.....	\$3,809,000
General Fund--Private/Local Appropriation.....	\$1,903,000
Washington Auto Theft Prevention Authority Account--	
State Appropriation .....	\$196,000
Juvenile Accountability Incentive Account--Federal	
Appropriation .....	\$2,801,000
TOTAL APPROPRIATION .....	(\$181,847,000)
.....	\$180,281,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$331,000 of the general fund--state appropriation for fiscal year 2012 and \$331,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(2) \$2,716,000 of the general fund--state appropriation for fiscal year 2012 and \$2,716,000 of the general fund--state appropriation

for fiscal year 2013 are provided solely for the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 338, Laws of 1997 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(3) \$3,482,000 of the general fund--state appropriation for fiscal year 2012 and \$3,482,000 of the general fund--state appropriation for fiscal year 2013 are provided solely to implement community juvenile accountability grants pursuant to chapter 338, Laws of 1997 (juvenile code revisions). Funds provided in this subsection may be used solely for community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants.

(4) \$1,130,000 of the general fund--state appropriation for fiscal year 2012 and \$1,130,000 of the general fund--state appropriation for fiscal year 2013 are provided solely to implement alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these moneys on a competitive basis to counties that submitted a plan for the provision of services approved by the division of alcohol and substance abuse. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

(5) \$3,123,000 of the general fund--state appropriation for fiscal year 2012 and \$3,123,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for grants to county juvenile courts for the following programs identified by the Washington state institute for public policy (institute) in its October 2006 report: "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates": Functional family therapy, multi-systemic therapy, aggression replacement training and interagency coordination programs, or other programs with a positive benefit-cost finding in the institute's report. County juvenile courts shall apply to the juvenile rehabilitation administration for funding for program-specific participation and the administration shall provide grants to the courts consistent with the per-participant treatment costs identified by the institute.

(6) \$1,537,000 of the general fund--state appropriation for fiscal year 2012 and \$1,537,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for expansion of the following treatments and therapies in juvenile rehabilitation administration programs identified by the Washington state institute for public policy in its October 2006 report: "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates": Multidimensional treatment foster care, family integrated transitions, and aggression replacement training, or other programs with a positive benefit-cost finding in the institute's report. The administration may concentrate delivery of these treatments and therapies at a limited number of programs to deliver the treatments in a cost-effective manner.

(7)(a) The juvenile rehabilitation administration shall administer a block grant, rather than categorical funding, of consolidated juvenile service funds, community juvenile accountability act grants, the chemical dependency disposition alternative funds, the mental health disposition alternative, and the sentencing disposition alternative for the purpose of serving youth adjudicated in the juvenile justice system. In making the block grant, the juvenile rehabilitation administration shall follow the following formula and will prioritize evidence-based programs and disposition alternatives and take into account juvenile courts program-eligible youth in conjunction with the number of youth served in each approved evidence-based program or disposition alternative: (i) Thirty-seven and one-half percent for the at-risk

population of youth ten to seventeen years old; (ii) fifteen percent for moderate and high-risk youth; (iii) twenty-five percent for evidence-based program participation; (iv) seventeen and one-half percent for minority populations; (v) three percent for the chemical dependency disposition alternative; and (vi) two percent for the mental health and sentencing dispositional alternatives. Funding for the special sex offender disposition alternative (SSODA) shall not be included in the block grant, but allocated on the average daily population in juvenile courts. Funding for the evidence-based expansion grants shall be excluded from the block grant formula. Funds may be used for promising practices when approved by the juvenile rehabilitation administration and juvenile courts, through the community juvenile accountability act committee, based on the criteria established in consultation with Washington state institute for public policy and the juvenile courts.

(b) The juvenile rehabilitation administration shall phase the implementation of the formula provided in subsection (1) of this section by including a stop-loss formula of five percent in fiscal year 2012 and five percent in fiscal year 2013.

(c) The juvenile rehabilitation administration and the juvenile courts shall establish a block grant funding formula oversight committee with equal representation from the juvenile rehabilitation administration and the juvenile courts. The purpose of this committee is to assess the ongoing implementation of the block grant funding formula, utilizing data-driven decision making and the most current available information. The committee will be cochaired by the juvenile rehabilitation administration and the juvenile courts, who will also have the ability to change members of the committee as needed to achieve its purpose. Initial members will include one juvenile court representative from the finance committee, the community juvenile accountability act committee, the risk assessment quality assurance committee, the executive board of the Washington association of juvenile court administrators, the Washington state center for court research, and a representative of the superior court judges association; two representatives from the juvenile rehabilitation administration headquarters program oversight staff, two representatives of the juvenile rehabilitation administration regional office staff, one representative of the juvenile rehabilitation administration fiscal staff and a juvenile rehabilitation administration division director. The committee may make changes to the formula categories other than the evidence-based program and disposition alternative categories if it is determined the changes will increase statewide service delivery or effectiveness of evidence-based program or disposition alternative resulting in increased cost benefit savings to the state. Long-term cost benefit must be considered. Percentage changes may occur in the evidence-based program or disposition alternative categories of the formula should it be determined the changes will increase evidence-based program or disposition alternative delivery and increase the cost benefit to the state. These outcomes will also be considered in determining when evidence-based expansion or special sex offender disposition alternative funds should be included in the block grant or left separate.

(d) The juvenile courts and administrative office of the courts shall be responsible for collecting and distributing information and providing access to the data systems to the juvenile rehabilitation administration and the Washington state institute for public policy related to program and outcome data. The juvenile rehabilitation administration and the juvenile courts will work collaboratively to develop program outcomes that reinforce the greatest cost benefit to the state in the implementation of evidence-based practices and disposition alternatives.

(8) The juvenile courts and administrative office of the courts shall collect and distribute information related to program outcome and provide access to these data systems to the juvenile

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rehabilitation administration and Washington state institute for public policy. Consistent with chapter 13.50 RCW, all confidentiality agreements necessary to implement this information-sharing shall be approved within 30 days of the effective date of this section. The agreements between administrative office of the courts, the juvenile courts, and the juvenile rehabilitation administration shall be executed to ensure that the juvenile rehabilitation administration receives the data that the juvenile rehabilitation administration identifies as needed to comply with this subsection. This includes, but is not limited to, information by program at the statewide aggregate level, individual court level, and individual client level for the purpose of the juvenile rehabilitation administration providing quality assurance and oversight for the locally committed youth block grant and associated funds and at times as specified by the juvenile rehabilitation administration as necessary to carry out these functions. The data shall be provided in a manner that reflects the collaborative work the juvenile rehabilitation administration and juvenile courts have developed regarding program outcomes that reinforce the greatest cost benefit to the state in the implementation of evidence-based practices and disposition alternatives.

(9) The Washington association of juvenile court administrators and the juvenile rehabilitation administration, in consultation with the community juvenile accountability act advisory committee and the Washington state institute for public policy, shall analyze and review data elements available from the administrative office of the courts for possible integration into the evidence-based program quality assurance plans and processes. The administrative office of the courts shall provide to the Washington association of juvenile court administrators and the juvenile rehabilitation administration information necessary to complete the review and analysis. The Washington association of juvenile court administrators and the juvenile rehabilitation administration shall report the findings of their review and analysis, as well as any recommendations, to the legislature by December 1, 2012.

**Sec. 204.** 2011 2nd sp.s. c 9 s 204 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund--State Appropriation (FY 2012) .....	(\$317,392,000)
.....	\$317,548,000
General Fund--State Appropriation (FY 2013) .....	(\$322,982,000)
.....	\$324,319,000
General Fund--Federal Appropriation .....	(\$448,732,000)
.....	\$449,368,000
General Fund--Private/Local Appropriation.....	\$17,864,000
Hospital Safety Net Assessment Fund--State Appropriation .....	(\$6,802,000)
.....	\$5,251,000
<b>TOTAL APPROPRIATION .....</b>	<b>(\$1,113,772,000)</b>
.....	\$1,114,350,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$109,342,000 of the general fund--state appropriation for fiscal year 2012 and \$109,341,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for persons and services not covered by the medicaid program. This is a reduction of \$4,348,000 each fiscal year from the nonmedicaid funding that was allocated for expenditure by regional support networks during fiscal year 2011 prior to supplemental budget reductions. This \$4,348,000 reduction shall be distributed among regional support networks proportional to each network's share of the total state population. To the extent possible, levels of regional

support network spending shall be maintained in the following priority order: (i) Crisis and commitment services; (ii) community inpatient services; and (iii) residential care services, including personal care and emergency housing assistance.

(b) \$6,590,000 of the general fund--state appropriation for fiscal year 2012, \$6,590,000 of the general fund--state appropriation for fiscal year 2013, and \$7,620,000 of the general fund--federal appropriation are provided solely for the department and regional support networks to continue to contract for implementation of high-intensity programs for assertive community treatment (PACT) teams. In determining the proportion of medicaid and nonmedicaid funding provided to regional support networks with PACT teams, the department shall consider the differences between regional support networks in the percentages of services and other costs associated with the teams that are not reimbursable under medicaid. The department may allow regional support networks which have nonmedicaid reimbursable costs that are higher than the nonmedicaid allocation they receive under this section to supplement these funds with local dollars or funds received under section 204(1)(a) of this act. The department and regional support networks shall maintain consistency with all essential elements of the PACT evidence-based practice model in programs funded under this section.

(c) \$5,850,000 of the general fund--state appropriation for fiscal year 2012, \$5,850,000 of the general fund--state appropriation for fiscal year 2013, and \$1,300,000 of the general fund--federal appropriation are provided solely for the western Washington regional support networks to provide either community- or hospital campus-based services for persons who require the level of care previously provided by the program for adaptive living skills (PALS) at western state hospital.

(d) The number of nonforensic beds allocated for use by regional support networks at eastern state hospital shall be 192 per day. The number of nonforensic beds allocated for use by regional support networks at western state hospital shall be 557 per day through September 2012, 529 per day through January 2013, and 505 per day from February 2013 through the remainder of fiscal year 2013.

(e) From the general fund--state appropriations in this subsection, the secretary of social and health services shall assure that regional support networks reimburse the aging and disability services administration for the general fund--state cost of medicaid personal care services that enrolled regional support network consumers use because of their psychiatric disability.

(f) \$4,582,000 of the general fund--state appropriation for fiscal year 2012 and \$4,582,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon release from confinement.

(g) The department is authorized to continue to contract directly, rather than through contracts with regional support networks, for children's long-term inpatient facility services.

(h) \$750,000 of the general fund--state appropriation for fiscal year 2012 and \$750,000 of the general fund--state appropriation for fiscal year 2013 are provided solely to continue performance-based incentive contracts to provide appropriate community support services for individuals with severe mental illness who were discharged from the state hospitals as part of the expanding community services initiative. These funds will be used to enhance community residential and support services provided by regional support networks through other state and federal funding.

(i) \$1,125,000 of the general fund--state appropriation for fiscal year 2012 and \$1,125,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the Spokane regional

support network to implement services to reduce utilization and the census at eastern state hospital. Such services shall include:

- (i) High intensity treatment team for persons who are high utilizers of psychiatric inpatient services, including those with co-occurring disorders and other special needs;
- (ii) Crisis outreach and diversion services to stabilize in the community individuals in crisis who are at risk of requiring inpatient care or jail services;
- (iii) Mental health services provided in nursing facilities to individuals with dementia, and consultation to facility staff treating those individuals; and
- (iv) Services at the sixteen-bed evaluation and treatment facility.

At least annually, the Spokane regional support network shall assess the effectiveness of these services in reducing utilization at eastern state hospital, identify services that are not optimally effective, and modify those services to improve their effectiveness.

(j) \$1,529,000 of the general fund--state appropriation for fiscal year 2012 and \$1,529,000 of the general fund--state appropriation for fiscal year 2013 are provided solely to reimburse Pierce and Spokane counties for the cost of conducting 180-day commitment hearings at the state psychiatric hospitals.

(k) Regional support networks may use local funds to earn additional federal medicaid match, provided the locally matched rate does not exceed the upper-bound of their federally allowable rate range, and provided that the enhanced funding is used only to provide medicaid state plan or waiver services to medicaid clients. Additionally, regional support networks may use a portion of the state funds allocated in accordance with (a) of this subsection to earn additional medicaid match, but only to the extent that the application of such funds to medicaid services does not diminish the level of crisis and commitment, community inpatient, residential care, and outpatient services presently available to persons not eligible for medicaid.

(l) Given the recent approval of federal medicaid matching funds for the disability lifeline and the alcohol and drug abuse treatment support act programs, the department shall charge regional support networks for only the state share rather than the total cost of community psychiatric hospitalization for persons enrolled in those programs.

(m) \$750,000 of the general fund--state appropriation for fiscal year 2012, \$750,000 of the general fund--state appropriation for fiscal year 2013, and \$1,500,000 of the general fund--federal appropriation are provided solely to adjust regional support network capitation rates to account for the per diem rates actually paid for psychiatric care provided at hospitals participating in the certified public expenditure program operated pursuant to section 213 of this act.

**(2) INSTITUTIONAL SERVICES**

General Fund--State Appropriation (FY 2012) .....	(\$115,317,000))
.....	\$115,088,000
General Fund--State Appropriation (FY 2013) .....	(\$114,111,000))
.....	\$110,201,000
General Fund--Federal Appropriation .....	(\$153,324,000))
.....	\$153,780,000
General Fund--Private/Local Appropriation.....	\$67,325,000
<b>TOTAL APPROPRIATION .....</b>	<b>(\$450,077,000))</b>
.....	\$446,394,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state psychiatric hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) \$231,000 of the general fund--state appropriation for fiscal year 2012 and \$231,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for a community partnership

between western state hospital and the city of Lakewood to support community policing efforts in the Lakewood community surrounding western state hospital. The amounts provided in this subsection (2)(b) are for the salaries, benefits, supplies, and equipment for one full-time investigator, one full-time police officer, and one full-time community service officer at the city of Lakewood.

(c) \$45,000 of the general fund--state appropriation for fiscal year 2012 and \$45,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for payment to the city of Lakewood for police services provided by the city at western state hospital and adjacent areas.

(d) \$20,000,000 of the general fund--state appropriation for fiscal year 2012 and \$20,000,000 of the general fund--state appropriation for fiscal year 2013 are provided solely to maintain staffed capacity to serve an average daily census in forensic wards at western state hospital of 270 patients per day.

(e) The appropriations in this section reflect efficiencies to be achieved through enactment of Substitute Senate Bill No. 6492 (competency to stand trial). These efficiencies are expected to enable the hospitals to substantially increase the timeliness with which evaluations of defendant competency to stand trial are completed, and treatment to restore competency is initiated, without corresponding increases in state appropriations.

**(3) SPECIAL PROJECTS**

General Fund--State Appropriation (FY 2012).....	\$1,168,000
General Fund--State Appropriation (FY 2013) .....	(\$1,164,000))
.....	\$1,162,000
General Fund--Federal Appropriation .....	\$4,109,000
General Fund--Private/Local Appropriation.....	\$700,000
<b>TOTAL APPROPRIATION .....</b>	<b>(\$7,141,000))</b>
.....	\$7,139,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$1,161,000 of the general fund--state appropriation for fiscal year 2012 and \$1,161,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for children's evidence based mental health services. Funding is sufficient to continue serving children at the same levels as fiscal year 2009.

(b) \$700,000 of the general fund--private/local appropriation is provided solely for the University of Washington's evidence based practice institute which supports the identification, evaluation, and implementation of evidence-based or promising practices for serving children and youth with mental health disorders. The department shall enter into an interagency agreement with the office of the attorney general for expenditure of \$700,000 of the state's proceeds of the cy pres settlement in State of Washington v. AstraZeneca (Seroquel) for this purpose.

**(4) PROGRAM SUPPORT**

General Fund--State Appropriation (FY 2012) .....	(\$4,476,000))
.....	\$4,486,000
General Fund--State Appropriation (FY 2013) .....	(\$4,261,000))
.....	\$4,280,000
General Fund--Federal Appropriation .....	(\$7,227,000))
.....	\$7,242,000
General Fund--Private/Local Appropriation.....	\$446,000
<b>TOTAL APPROPRIATION .....</b>	<b>(\$16,410,000))</b>
.....	\$16,454,000

(a) The appropriations in this subsection are subject to the following conditions and limitations: In accordance with RCW 43.20B.110, 43.135.055, and 71.24.035, the department is authorized to increase license and certification fees in fiscal years 2012 and 2013 to support the costs of the regulatory program. The fee schedule increases must be developed so that the maximum amount of additional fees paid by providers statewide in the

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2011-2013 fiscal biennium is \$446,000. The department's fee schedule shall have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower costs of licensing for these programs than for other organizations which are not accredited.

(b) \$19,000 of the general fund--state appropriation for fiscal year 2012, \$17,000 of the general fund--state appropriation for fiscal year 2013, and \$34,000 of the general fund--federal appropriation are provided solely to support a partnership among the department of social and health services, the department of health, and agencies that deliver medical care and behavioral health services in Cowlitz county. The partnership shall identify and recommend strategies for resolving regulatory, licensing, data management, reporting, and funding barriers to more effective integration of primary medical and behavioral health care services in the county.

Sec. 205. 2011 2nd sp.s. c 9 s 205 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 2012) .....	(\$418,815,000)
.....	\$405,477,000
General Fund--State Appropriation (FY 2013) .....	(\$422,854,000)
.....	\$421,762,000
General Fund--Federal Appropriation .....	(\$743,532,000)
.....	\$753,200,000
General Fund--Private/Local Appropriation.....	\$184,000
TOTAL APPROPRIATION .....	(\$1,585,385,000)
.....	\$1,580,623,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) Amounts appropriated in this subsection reflect a reduction to funds appropriated for in-home care. The department shall reduce the number of in-home hours authorized. The reduction shall be scaled based on the acuity level of care recipients. The largest hour reductions shall be to lower acuity patients and the smallest hour reductions shall be to higher acuity patients.

(c) Amounts appropriated in this subsection are sufficient to develop and implement the use of a consistent, statewide outcome-based vendor contract for employment and day services by July 1, 2012. The rates paid to vendors under this contract shall also be made consistent. In its description of activities the agency shall include activity listings and dollars appropriated for: Employment services, day services, child development services and county administration of services to the developmentally disabled. The department shall begin reporting to the office of financial management on these activities beginning in fiscal year 2010.

(d) \$944,000 of the general fund--state appropriation for fiscal year 2012, \$944,000 of the general fund--state appropriation for fiscal year 2013, and \$1,888,000 of the general fund--federal appropriation are provided solely for state contributions for individual provider health care benefits. Pursuant to the collective bargaining agreement negotiated with the exclusive bargaining representative of individual providers established under RCW

74.39A.270, the state shall contribute to the multiemployer health benefits trust fund (~~(\$1.96)~~ \$2.21 per paid hour worked by individual providers.

(e) (\$1,871,000 of the general fund--state appropriation for fiscal year 2012, \$1,995,000 of the general fund--state appropriation for fiscal year 2013, and \$3,865,000 of the general fund--federal appropriation are provided solely for home care agencies to purchase health coverage for home care providers. The department shall calculate and distribute payments for health care benefits to home care agencies at \$558 per month for each worker who cares for publicly funded clients at 86 hours or more per month. In order to negotiate the most comprehensive health benefits package for its employees, each agency may determine benefit levels according to the hours an employee works providing state-funded personal care. Health benefits shall be offered to all employees who care for publicly funded clients for 86 hours per month or more. At a minimum, employees who care for publicly funded clients at 140 hours a month or greater must receive a comprehensive medical benefit. Benefits shall not be provided to employees who care for publicly funded clients at 85 hours or less per month or as interim respite workers. The department shall not pay an agency for benefits provided to an employee who otherwise receives health care coverage through other family members, other employment-based coverage, or military or veteran's coverage. The department shall require annually, each home care agency to review each of its employee's available health coverage and to provide a written declaration to the department verifying that health benefits purchased with public funds are solely for employees that do not have other available coverage. Home care agencies may determine a reasonable employee co-premium not to exceed 20 percent of the total benefit cost.) \$104,669,000 of the general fund--state appropriation for fiscal year 2013 and \$104,669,000 of the general fund--federal appropriation are provided to the department to provide personal care services to waiver and nonwaiver in home clients. Pursuant to Senate Bill No. 6609 (medicaid personal care services program), the department shall provide a personal care services benefit for adult clients under section 1915 (i) of the social security act exclusively utilizing the option that allows for client self-direction of an individualized budget. Clients will be able to spend their budget to secure services from appropriate providers, purchase other support services and therapies, and purchase equipment or make other expenditures as necessary to address the clients' health and safety. The per-client individualized budget shall be established using a methodology that is objective and evidence-based, uses valid, reliable cost data; includes a calculation of the expected cost of each service available under this option; and can be applied consistently to individuals. The department shall operate the program within the amounts specifically provided.

(f) \$1,127,000 of the general fund--state appropriation for fiscal year 2012, \$1,199,000 of the general fund--state appropriation for fiscal year 2013, and \$2,322,000 of the general fund--federal appropriation are provided solely for the state's contribution to the training partnership, as provided in RCW 74.39A.360, for instructional costs associated with the training of individual providers. House Bill No. 1548 and Senate Bill No. 5473 (long-term care worker requirements) make statutory changes to the increased training requirements and therefore the state shall contribute to the partnership \$0.17 per paid hour worked by all home care workers. This amount is pursuant to the collective bargaining agreement negotiated with the exclusive bargaining representative of individual providers established under RCW 74.39A.270. Expenditures for the purposes specified in this subsection shall not exceed the amounts provided in this subsection.

(g)(i) Within the amounts appropriated in this subsection, the department shall revise the current working age adult policy to allow clients to choose between employment and community access activities. Clients age 21 and older who are receiving services through a home- and community-based medicaid waiver shall be offered the choice to transition to a community access program after nine months of enrollment in an employment program, and the option to transition from a community access program to an employment program at any time. The department shall inform clients and their legal representatives of all available options for employment and day services. Information provided to the client and the client's legal representative shall include the types of activities each service option provides, and the amount, scope, and duration of service for which the client would be eligible under each service option. An individual client may be authorized for only one service option, either employment services or community access services. Clients may not participate in more than one of these services at any given time.

(ii) The department shall work with counties and stakeholders to strengthen and expand the existing community access program. The program must emphasize support for the client so they are able to participate in activities that integrate them into their community and support independent living and skills.

(iii) The appropriation in this subsection includes funding to provide employment or community access services to 168 medicaid eligible young adults with developmental disabilities living with their families who need employment opportunities and assistance after high school graduation.

(h) \$75,000 of the general fund--state appropriation for fiscal year 2012 and \$75,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the restoration of direct support to local organizations that utilize parent-to-parent networks and communication to promote access and quality of care for individuals with developmental disabilities and their families.

(i) In accordance with Engrossed Substitute House Bill No. 1277 (licensed settings for vulnerable adults), adult family home license fees are increased in fiscal years 2012 and 2013 to support the costs of conducting licensure, inspection, and regulatory programs.

(i) The current annual renewal license fee for adult family homes shall be increased to \$100 per bed beginning in fiscal year 2012 and \$175 per bed beginning in fiscal year 2013. Adult family homes shall receive a corresponding vendor rate increase per medicaid patient day of \$0.22 in fiscal year 2012 and \$0.43 in fiscal year 2013 to cover the cost of the license fee increase for publicly funded beds.

(ii) Beginning in fiscal year 2012, a processing fee of \$2,750 shall be charged to each adult family home when the home is initially licensed. This fee is nonrefundable.

(j) Clients with developmental disabilities have demonstrated a need and a desire for a day services program as verified by over 900 clients currently accessing day programs through a long-term care service model. In addition, every individual, to include those with a developmental disability, should have the opportunity for meaningful employment which allows them to contribute to their communities and to become as self-sufficient as possible. Providing choice empowers recipients of publicly funded services and their families by expanding their degree of control over the services and supports they need.

The department shall work with legislators and stakeholders to develop a new approach to employment and day services. The objective of this plan is to ensure that adults with developmental disabilities have optimum choices, and that employment and day offerings are comprehensive enough to meet the needs of all clients currently served on a home and community based waiver. The proposal shall be submitted to the 2012 legislature for consideration

and shall be constructed such that a client ultimately receives employment, community access, or the community day option but not more than one service at a time. The proposal shall include options for program efficiencies within the current employment and day structure and shall provide details on the plan to implement a consistent, statewide outcome-based vendor contract for employment and day services as specified in (c) of this subsection.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2012) .....	(\$80,815,000))
.....	\$75,503,000
General Fund--State Appropriation (FY 2013) .....	(\$79,939,000))
.....	\$80,271,000
General Fund--Federal Appropriation .....	(\$154,388,000))
.....	\$154,403,000
General Fund--Private/Local Appropriation.....	\$22,043,000
TOTAL APPROPRIATION .....	(\$337,185,000))
.....	\$332,220,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) \$721,000 of the general fund--state appropriation for fiscal year 2012 and \$721,000 of the general fund--state appropriation for fiscal year 2013 are for the department to fulfill its contracts with the school districts under chapter 28A.190 RCW to provide transportation, building space, and other support services as are reasonably necessary to support the educational programs of students living in residential habilitation centers.

(c) \$100,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for operations of the Rainier school vision development committee, hereby established to create a long-range vision and development plan for the Rainier school.

(a) The committee shall consist of:

(i) Three members of the legislature representing the thirty-first legislative district;

(ii) Two persons representing the cities of Enumclaw and Buckley;

(iii) Two persons representing the chambers of commerce of the cities of Enumclaw and Buckley;

(iv) Two persons representing the friends of Rainier school organization; and

(v) One person representing the Pierce county developmental disabilities board.

(b) The committee shall create and submit to the legislature a long-range community vision and development plan for the efficient use of the Rainier school facility to best serve the needs of persons with developmental disabilities, including the establishment of a respite care center for families and other caregivers of persons with developmental disabilities.

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2012) .....	(\$1,380,000))
.....	\$1,382,000
General Fund--State Appropriation (FY 2013) .....	(\$1,371,000))
.....	\$1,374,000
General Fund--Federal Appropriation .....	\$1,323,000
TOTAL APPROPRIATION .....	(\$4,074,000))
.....	\$4,079,000

(4) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2012) .....	(\$4,648,000))
.....	\$4,658,000
General Fund--State Appropriation (FY 2013) .....	(\$4,637,000))
.....	\$4,657,000
General Fund--Federal Appropriation .....	(\$9,575,000))

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.....	\$9,588,000
General Fund--Private/Local Appropriation.....	\$998,000
TOTAL APPROPRIATION .....	(\$19,858,000))
.....	\$19,901,000

The appropriations in this subsection are subject to the following conditions and limitations:

Amounts appropriated in this subsection are for the purposes of transitioning clients with developmental disabilities into community settings. The department is authorized as needed to use these funds to either pay for clients residing within a residential habilitation center or for placements in the community. Pursuant to Second Substitute Senate Bill No. 5459 (services for people with developmental disabilities), funding in this subsection must be prioritized for the purpose of facilitating the consolidation and closure of Frances Haddon Morgan Center. The department shall use a person-centered approach in developing the discharge plan to assess each resident's needs and identify services the resident requires to successfully transition to the community or another residential habilitation center. The department is authorized to use any savings from this effort for the purpose of developing community resources to address the needs of clients with developmental disabilities who are in crisis or in need of respite. The department shall track the costs and savings of closing Frances Haddon Morgan Center and any investments into community placements and resources. The department shall provide a fiscal progress report to the legislature by December 5, 2011.

Sec. 206. 2011 2nd sp.s. c 9 s 206 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM

General Fund--State Appropriation (FY 2012) .....	(\$781,995,000))
.....	\$791,974,000
General Fund--State Appropriation (FY 2013) .....	(\$804,465,000))
.....	\$812,180,000
General Fund--Federal Appropriation .....	(\$1,680,450,000))
.....	\$1,693,938,000
General Fund--Private/Local Appropriation.....	\$27,517,000
Traumatic Brain Injury Account--State Appropriation....	\$3,388,000
Nursing Facility Quality Assurance Account--State Appropriation .....	(\$88,071,000))
.....	\$88,000,000
TOTAL APPROPRIATION .....	(\$3,385,886,000))
.....	\$3,416,997,000

The appropriations in this section are subject to the following conditions and limitations:

(1) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate shall not exceed \$170.37 for fiscal year 2012 and shall not exceed \$171.43 for fiscal year 2013, including the rate add-ons described in (a) and (b) of this subsection. However, if the waiver requested from the federal centers for medicare and medicaid services in relation to the safety net assessment created by Engrossed Substitute Senate Bill No. 5581 (nursing home payments) is for any reason not approved and implemented, the weighted average nursing facility payment rate shall not exceed \$159.87 for fiscal year 2012 and shall not exceed \$160.93 for fiscal year 2013. There will be no adjustments for economic trends and conditions in fiscal years 2012 and 2013. The economic trends and conditions factor or factors defined in the biennial appropriations act shall not be compounded with the economic trends and conditions factor or factors defined in any other biennial appropriations acts before applying it to the component rate allocations established in accordance with chapter 74.46 RCW. When no economic trends and conditions factor for either fiscal year is defined in a biennial appropriations act, no economic trends and conditions factor or factors defined in any

earlier biennial appropriations act shall be applied solely or compounded to the component rate allocations established in accordance with chapter 74.46 RCW.

(a) Within the funds provided, the department shall continue to provide an add-on per medicaid resident day per facility not to exceed \$1.57. The add-on shall be used to increase wages, benefits, and/or staffing levels for certified nurse aides; or to increase wages and/or benefits for dietary aides, housekeepers, laundry aides, or any other category of worker whose statewide average dollars-per-hour wage was less than \$15 in calendar year 2008, according to cost report data. The add-on may also be used to address resulting wage compression for related job classes immediately affected by wage increases to low-wage workers. The department shall continue reporting requirements and a settlement process to ensure that the funds are spent according to this subsection.

(b) The department shall do a comparative analysis of the facility- based payment rates calculated on July 1, ~~((2011))~~ 2012, using the payment methodology defined in ~~((Engrossed Substitute Senate Bill No. 5581 (nursing home payments)))~~ chapter 74.46 RCW and including the add- on in (a) of this subsection, to the facility-based payment rates in effect June 30, 2010. If the facility-based payment rate calculated on July 1, ~~((2011))~~ 2012, is smaller than the facility-based payment rate on June 30, 2010, then the difference shall be provided to the individual nursing facilities as an add-on payment per medicaid resident day.

(c) During the comparative analysis performed in subsection (b) of this section, if it is found that the direct care rate for any facility calculated using the payment methodology defined in ~~((Engrossed Substitute Senate Bill No. 5581 (nursing home payments)))~~ chapter 74.46 RCW and including the add-on in (a) of this subsection is greater than the direct care rate in effect on June 30, 2010, then the facility shall receive a ten percent direct care rate add-on to compensate that facility for taking on more acute clients than they have in the past.

(d) The department shall provide a medicaid rate add-on to reimburse the medicaid share of the skilled nursing facility safety net assessment as a medicaid allowable cost. The nursing facility safety net rate add-on may not be included in the calculation of the annual statewide weighted average nursing facility payment rate.

(e) If the waiver requested from the federal centers for medicare and medicaid services in relation to the safety net assessment created by Engrossed Substitute Senate Bill No. 5581 (nursing home payments) is for any reason not approved and implemented, subsections (b), (c), and (d) of this subsection do not apply.

(2) After examining actual nursing facility cost information, the legislature finds that the medicaid nursing facility rates calculated pursuant to ~~((Engrossed Substitute Senate Bill No. 5581 (nursing home payments)))~~ chapter 74.46 RCW and as funded in this section provide sufficient reimbursement to efficiently and economically operating nursing facilities and bear a reasonable relationship to costs.

(3) In accordance with chapter 74.46 RCW, the department shall issue no additional certificates of capital authorization for fiscal year 2012 and no new certificates of capital authorization for fiscal year 2013 and shall grant no rate add-ons to payment rates for capital improvements not requiring a certificate of need and a certificate of capital authorization for fiscal years 2012 and 2013.

(4) The long-term care program may develop and pay enhanced rates for exceptional care to nursing homes for persons with traumatic brain injuries who are transitioning from hospital care. The cost per patient day for caring for these clients in a nursing home setting may be equal to or less than the cost of caring for these clients in a hospital setting.

(5) Amounts appropriated in this section reflect a reduction to funds appropriated for in-home care. The department shall reduce the number of in-home hours authorized. The reduction shall be scaled based on the acuity level of care recipients. The largest hour reductions shall be to lower acuity patients and the smallest hour reductions shall be to higher acuity patients.

(6) \$1,883,000 of the general fund--state appropriation for fiscal year 2012, \$1,883,000 of the general fund--state appropriation for fiscal year 2013, and \$3,766,000 of the general fund--federal appropriation are provided solely for state contributions for individual provider health care benefits. Pursuant to the collective bargaining agreement negotiated with the exclusive bargaining representative of individual providers established under RCW 74.39A.270, the state shall contribute to the multiemployer health benefits trust fund ~~(\$1.96)~~ \$2.21 per paid hour worked by individual providers.

(7) ~~(\$16,835,000 of the general fund--state appropriation for fiscal year 2012, \$17,952,000 of the general fund--state appropriation for fiscal year 2013, and \$34,786,000 of the general fund--federal appropriation are provided solely for home care agencies to purchase health coverage for home care providers. The department shall calculate and distribute payments for health care benefits to home care agencies at \$558 per month for each worker who cares for publicly funded clients at 86 hours or more per month. In order to negotiate the most comprehensive health benefits package for its employees, each agency may determine benefit levels according to the hours an employee works providing state-funded personal care. Health benefits shall be offered to all employees who care for publicly funded clients for 86 hours per month or more. At a minimum, employees who care for publicly funded clients at 140 hours a month or greater must receive a comprehensive medical benefit. Benefits shall not be provided to employees who care for publicly funded clients at 85 hours or less per month or as interim respite workers. The department shall not pay an agency for benefits provided to an employee who otherwise receives health care coverage through other family members, other employment-based coverage, or military or veteran's coverage. The department shall require annually, each home care agency to review each of its employee's available health coverage and to provide a written declaration to the department verifying that health benefits purchased with public funds are solely for employees that do not have other available coverage. Home care agencies may determine a reasonable employee co-premium not to exceed 20 percent of the total benefit cost.)~~ \$338,550,000 of the general fund--state appropriation for fiscal year 2013 and \$338,500,000 of the general fund--federal appropriation are provided to the department to provide personal care services to waiver and nonwaiver in home clients. Pursuant to Senate Bill No. 6609 (medicaid personal care services program), the department shall provide a personal care services benefit for adult clients under section 1915 (i) of the social security act exclusively utilizing the option that allows for client self-direction of an individualized budget. Clients will be able to spend their budget to secure services from appropriate providers, purchase other support services and therapies, and purchase equipment or make other expenditures as necessary to address the clients' health and safety. The per-client individualized budget shall be established using a methodology that is objective and evidence-based, uses valid, reliable cost data; includes a calculation of the expected cost of each service available under this option; and can be applied consistently to individuals. The department shall operate the program within the amounts specifically provided.

(8) \$2,063,000 of the general fund--state appropriation for fiscal year 2012, \$2,195,000 of the general fund--state appropriation for fiscal year 2013, and \$4,260,000 of the general fund--federal appropriation are provided solely for the state's contribution to the

training partnership, as provided in RCW 74.39A.360, for instructional costs associated with the training of individual providers. House Bill No. 1548 and Senate Bill No. 5473 (long-term care worker requirements) make statutory changes to the increased training requirements and therefore the state shall contribute to the partnership \$0.17 per paid hour worked by all home care workers. This amount is pursuant to the collective bargaining agreement negotiated with the exclusive bargaining representative of individual providers established under RCW 74.39A.270. Expenditures for the purposes specified in this subsection shall not exceed the amounts provided in this subsection.

(9) Individuals receiving services as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(10) The department shall eliminate the adult day health program under the state plan 1915(i) option and shall reestablish it under the long-term care home and community-based waiver.

(11) ~~(\$4,588,000)~~ \$4,713,000 of the general fund--state appropriation for fiscal year 2012, ~~(\$4,559,000)~~ \$6,427,000 of the general fund--state appropriation for fiscal year 2013, and ~~(\$9,237,000)~~ \$11,230,000 of the general fund--federal appropriation are provided solely for the continued operation of community residential and support services for persons who are older adults or who have co-occurring medical and behavioral disorders and who have been discharged or diverted from a state psychiatric hospital. These funds shall be used to serve individuals whose treatment needs constitute substantial barriers to community placement, who no longer require active psychiatric treatment at an inpatient hospital level of care, and who no longer meet the criteria for inpatient involuntary commitment. The department shall prioritize services in order to reduce utilization and maintain a reduction of 60 beds at western state hospital that were previously used for long-term placements for clients with dementia, traumatic brain injuries, or other organic brain disorders. The department shall ensure that a sufficient number of individuals have been transitioned and diverted from western state hospital to enable closure of a 30-bed ward by October 1, 2012, and of another 30-bed ward by February 1, 2013. Coordination of these services must be done in partnership between the mental health program and the aging and disability services administration.

(12) \$1,840,000 of the general fund--state appropriation for fiscal year 2012 and \$1,877,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for operation of the volunteer services program. Funding shall be prioritized towards serving populations traditionally served by long-term care services to include senior citizens and persons with disabilities.

(13) In accordance with Engrossed Substitute House Bill No. 1277 (licensed settings for vulnerable adults), nursing facility fees are increased in fiscal year 2012 and adult family home fees are increased in fiscal year 2012 and fiscal year 2013 to support the costs of conducting licensure, inspection, and regulatory programs.

(a) The current annual renewal license fee for nursing facilities shall be increased to \$359 per bed beginning in fiscal year 2012 and assumes \$517,000 of the general fund--private/local appropriation. Nursing facilities shall receive a vendor rate increase of \$0.08 per medicaid patient day to cover the license fee increase for publicly funded beds.

(b) The current annual renewal license fee for adult family homes shall be increased to \$100 per bed beginning in fiscal year 2012 and assumes \$1,449,000 of the general fund--private/local appropriation; and \$175 per bed beginning in fiscal year 2013 and assumes \$2,463,000 of the general fund--private/local appropriation. Adult family homes shall receive a corresponding vendor rate increase per medicaid patient day of \$0.22 in fiscal year

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2012 and \$0.43 in fiscal year 2013 to cover the license fee increase for publicly funded beds.

(c) Beginning in fiscal year 2012, a processing fee of \$2,750 shall be charged to each adult family home when the home is initially licensed. This fee is nonrefundable.

(d) \$72,000 of the general fund--state appropriation for fiscal year 2012, \$708,000 of the general fund--private/local appropriation and \$708,000 of the general fund--federal appropriation are provided solely to implement sections 501 through 503 of Engrossed Substitute House Bill No. 1277 (licensed settings for vulnerable adults). The department shall use additional investigative resources to address complaints about provider practices as well as alleged abuse, neglect, abandonment, and exploitation of residents in adult family homes. The department shall develop a statewide internal quality review and accountability program to improve the accountability of staff and the consistent application of investigative activities, and shall convene a quality assurance panel to review problems in the quality of care in adult family homes.

(14) \$3,316,000 of the traumatic brain injury account--state appropriation is provided solely to continue services for persons with traumatic brain injury (TBI) as defined in chapter 143, Laws of 2011 (traumatic brain injury strategic partnership).

(15) The department is authorized to place long-term care clients residing in nursing homes and paid for with state only funds into less restrictive community care settings while continuing to meet the client's care needs.

**Sec. 207.** 2011 2nd sp.s. c 9 s 207 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM

General Fund--State Appropriation (FY 2012) .....	(\$487,305,000)
.....	\$409,071,000
General Fund--State Appropriation (FY 2013) .....	(\$503,362,000)
.....	\$355,949,000
General Fund--Federal Appropriation .....	(\$1,167,467,000)
.....	\$1,167,708,000
General Fund--Private/Local Appropriation.....	\$30,592,000
TOTAL APPROPRIATION .....	(\$2,188,726,000)
.....	\$1,963,320,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$258,880,000)~~) \$187,423,000 of the general fund--state appropriation for fiscal year 2012, (~~(\$297,296,000)~~) \$165,563,000 of the general fund--state appropriation for fiscal year 2013, and (~~(\$710,173,000)~~) \$710,843,000 of the general fund--federal appropriation are provided solely for all components of the WorkFirst program. Under section 2 of Engrossed Substitute Senate Bill No. 5921 (social services programs), the amounts in this subsection assume that any participant in the temporary assistance for needy families where their participation is suspended and does not volunteer to participate in WorkFirst services or unsubsidized employment does not receive child care subsidies or WorkFirst subsidies as a condition of the suspension. Within the amounts provided for the WorkFirst program, the department may provide assistance using state-only funds for families eligible for temporary assistance for needy families.

(a) Within the amounts provided for WorkFirst in this subsection, the department shall continue to implement WorkFirst program improvements that are designed to achieve progress against outcome measures specified in RCW 74.08A.410.

(b) The department may establish a career services work transition program.

(c) Within the amounts provided in this subsection, (~~(\$1,414,000)~~) \$50,000 of the general fund--state appropriation for

fiscal year 2012 and (~~(\$5,150,000)~~) \$950,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the implementation and administration of the electronic benefit transfer system under section 12 of Engrossed Substitute Senate Bill No. 5921 (social services programs). The department shall transfer these amounts to the department of early learning for the implementation and administration of the project.

(d) Within amounts appropriated in this section, the legislature expressly mandates that the department exercise its authority, granted in 1997 under RCW 74.08A.290, to contract for work activities services pursuant to that statutory authority and RCW 41.06.142(3).

(e) The department shall create a temporary assistance for needy families budget structure that allows for more transparent tracking of budget units and subunits of expenditures where these units and subunits are mutually exclusive from other department budget units. The budget structure shall include budget units for the following: Grants, child care, WorkFirst activities, and administration of the program.

(2)(a) \$11,825,000 of the general fund--federal appropriation is provided solely for a contingency reserve in the event (~~the temporary assistance for needy families cash benefit is~~) that expenditures in subsection (1) of this section are projected to exceed (~~forecasted amounts by more than one percent~~) the appropriated amounts. The department shall only expend an amount equal to the forecasted over- expenditure. For purposes of this subsection, the temporary assistance forecast shall be completed every quarter and follow a similar schedule of the caseload forecast council forecasts.

(b) If sufficient savings in subsection (1) of this section are achieved, the department of early learning shall increase the number of child care slots available for the working connections child care program.

(3) (~~(\$23,494,000)~~) \$23,679,000 of the general fund--state appropriation for fiscal year 2012, in addition to supplemental security income recoveries, is provided solely for financial assistance and other services to recipients in the program established in section 4, chapter 8, Laws of 2010 1st sp. sess., until the program terminates on October 31, 2011.

(4)(a) (~~(\$13,086,000)~~) \$12,457,000 of the general fund--state appropriation for fiscal year 2012 and (~~(\$24,788,000)~~) \$21,959,000 of the general fund--state appropriation for fiscal year 2013, in addition to supplemental security income recoveries, are provided solely for the programs created in Engrossed Substitute House Bill No. 2082 (essential needs and assistance program) beginning November 1, 2011.

(b) The department shall review clients receiving services through the aged, blind, or disabled assistance program, to determine whether they would benefit from assistance in becoming naturalized citizens, and thus be eligible to receive federal supplemental security income benefits. Those cases shall be given high priority for naturalization funding through the department.

(c) The department shall continue the interagency agreement with the department of veterans' affairs to establish a process for referral of veterans who may be eligible for veterans' services. This agreement must include out-stationing department of veterans' affairs staff in selected community service office locations in King and Pierce counties to facilitate applications for veterans' services.

(5) \$1,657,000 of the general fund--state appropriation for fiscal year 2012 and \$1,657,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for naturalization services.

(6) \$2,366,000 of the general fund--state appropriation for fiscal year 2012 is provided solely for refugee employment services, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee assistance organizations for limited English proficiency pathway services; and \$2,366,000 of the general

fund--state appropriation for fiscal year 2013 is provided solely for refugee employment services, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee assistance organizations for limited English proficiency pathway services.

(7) On December 1, 2011, and annually thereafter, the department must report to the legislature on all sources of funding available for both refugee and immigrant services and naturalization services during the current fiscal year and the amounts expended to date by service type and funding source. The report must also include the number of clients served and outcome data for the clients.

((8) To ensure expenditures remain within available funds appropriated in this section, the legislature establishes the benefit under the state food assistance program, pursuant to RCW 74.08A.120, to be fifty percent of the federal supplemental nutrition assistance program benefit amount.)

**Sec. 208.** 2011 2nd sp.s. c 9 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM

General Fund--State Appropriation (FY 2012) .....	(\$74,287,000))
.....	\$71,649,000
General Fund--State Appropriation (FY 2013) .....	(\$74,422,000))
.....	\$66,986,000
General Fund--Federal Appropriation .....	(\$141,514,000))
.....	\$164,526,000
General Fund--Private/Local Appropriation.....	(\$2,086,000))
.....	\$13,486,000
Criminal Justice Treatment Account--State	
Appropriation .....	\$20,748,000
Problem Gambling Account--State Appropriation.....	\$1,448,000
TOTAL APPROPRIATION .....	(\$314,505,000))
.....	\$338,843,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within the amounts appropriated in this section, the department may contract with the University of Washington and community-based providers for the provision of the parent-child assistance program. For all contractors, indirect charges for administering the program shall not exceed ten percent of the total contract amount.

(2) Within the amounts appropriated in this section, the department shall continue to provide for chemical dependency treatment services for adult medicaid eligible, pregnant and parenting women, disability lifeline, and alcoholism and drug addiction treatment and support act, and medical care services clients.

(3) In accordance with RCW 70.96A.090 and 43.135.055, the department is authorized to increase fees for the review and approval of treatment programs in fiscal years 2012 and 2013 as necessary to support the costs of the regulatory program. The department's fee schedule shall have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower cost of licensing for these programs than for other organizations which are not accredited.

(4) \$3,500,000 of the general fund--federal appropriation (from the substance abuse prevention and treatment federal block grant) is

provided solely for the continued funding of existing county drug and alcohol use prevention programs.

**Sec. 209.** 2011 2nd sp.s. c 9 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM

General Fund--State Appropriation (FY 2012) .....	(\$10,874,000))
.....	\$10,854,000
General Fund--State Appropriation (FY 2013) .....	(\$10,861,000))
.....	\$10,822,000
General Fund--Federal Appropriation .....	(\$105,091,000))
.....	\$105,095,000
Telecommunications Devices for the Hearing and	
Speech Impaired--State Appropriation .....	\$2,766,000
TOTAL APPROPRIATION .....	(\$129,592,000))
.....	\$129,537,000

The appropriations in this section are subject to the following conditions and limitations: \$480,000 of the telecommunications devices for the hearing and speech impaired account--state appropriation is provided solely for the office of deaf and hard of hearing to contract for services that provide employment support and help with life activities for deaf-blind individuals in King county.

**Sec. 210.** 2011 2nd sp.s. c 9 s 210 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--SPECIAL COMMITMENT PROGRAM

General Fund--State Appropriation (FY 2012) .....	(\$47,719,000))
.....	\$47,890,000
General Fund--State Appropriation (FY 2013) .....	(\$46,292,000))
.....	\$35,928,000
TOTAL APPROPRIATION .....	(\$94,011,000))
.....	\$83,818,000

**Sec. 211.** 2011 2nd sp.s. c 9 s 211 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund--State Appropriation (FY 2012) .....	(\$26,125,000))
.....	\$25,764,000
General Fund--State Appropriation (FY 2013) .....	(\$24,586,000))
.....	\$23,718,000
General Fund--Federal Appropriation .....	(\$39,223,000))
.....	\$38,807,000
General Fund--Private/Local Appropriation.....	\$2,116,000
Performance Audits of State Government--State	
Appropriation .....	\$4,812,000
TOTAL APPROPRIATION .....	(\$96,862,000))
.....	\$95,217,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ((\$300,000 of the general fund--state appropriation for fiscal year 2012 and \$300,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the Washington state mentors program to continue its public-private partnerships to provide technical assistance and training to mentoring programs that serve at-risk youth.

(2) \$445,000 of the general fund--state appropriation for fiscal year 2012 and \$445,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for funding of the teamchild project.

(3) \$178,000 of the general fund--state appropriation for fiscal year 2012 and \$178,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the juvenile detention alternatives initiative.

(4)) \$4,812,000 of the performance audits of state

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government-- state appropriation is provided solely for support and expansion of the division of fraud investigation. The division shall conduct investigatory and enforcement activities for all department programs, including the child support and TANF programs.

((5)) (2) \$1,400,000 of the general fund--state appropriation for fiscal year 2012 is provided solely for the department to distribute as support to community public health and safety networks that have a history of providing training and services related to adverse childhood experiences. Distribution of these funds is contingent upon securing funding from a private entity or entities to provide one dollar in matching funds for each dollar in state funds received by a network so that the funding received by a community public health and safety network will be equal portions of state and private funding.

Sec. 212. 2011 2nd sp.s. c 9 s 212 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund--State Appropriation (FY 2012) .....	\$62,778,000
General Fund--State Appropriation (FY 2013) .....	(((\$61,927,000))
.....	\$58,940,000
General Fund--Federal Appropriation .....	\$58,400,000
TOTAL APPROPRIATION .....	(((\$183,105,000))
.....	\$180,118,000

The appropriations in this section are subject to the following conditions and limitations: \$469,000 of the general fund--state appropriation for fiscal year 2011 and \$270,000 of the general fund-- state appropriation for fiscal year 2012 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5921 (social services programs). If the bill is not enacted by June 30, 2011, the amounts provided in this subsection shall lapse.

Sec. 213. 2011 2nd sp.s. c 9 s 213 (uncodified) is amended to read as follows:

FOR THE STATE HEALTH CARE AUTHORITY

General Fund--State Appropriation (FY 2012) ...(((\$2,130,229,000))	
.....	\$2,022,521,000
General Fund--State Appropriation (FY 2013) ...(((\$2,185,617,000))	
.....	\$1,980,272,000
General Fund--Federal Appropriation .....	(((\$5,389,627,000))
.....	\$5,227,652,000
General Fund--Private/Local Appropriation.....(((\$45,512,000))	
.....	\$51,726,000
Emergency Medical Services and Trauma Care Systems	
Trust Account--State Appropriation.....	\$15,077,000
Hospital Safety Net Assessment Fund--State	
Appropriation .....	(((\$394,905,000))
.....	\$433,255,000
State Health Care Authority Administration Account--	
State Appropriation .....	(((\$34,118,000))
.....	\$34,117,000
Basic Health Plan Stabilization Account--	
State Appropriation .....	(((\$44,000,000))
.....	\$49,000,000
Medical Aid Account--State Appropriation .....	\$529,000
Medicaid Fraud Penalty Account--State	
Appropriation .....	\$9,200,000
TOTAL APPROPRIATION .....	(((\$10,239,614,000))
.....	\$9,823,349,000

The appropriations in this section are subject to the following conditions and limitations:

The appropriations to the authority in this act shall be expended for the purposes and in the amounts specified in this act. To the extent that appropriations in this section are insufficient to fund actual expenditures in excess of caseload forecasts and utilization assumptions, the authority, after May 1, 2012, may transfer general

fund--state appropriations for fiscal year 2012 that are provided solely for a specified purpose. The authority shall not transfer funds, and the director of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(1) Within amounts appropriated in this section and sections 205 and 206 of this act, the health care authority shall continue to provide an enhanced basic health plan subsidy for foster parents licensed under chapter 74.15 RCW and workers in state-funded home care programs. Under this enhanced subsidy option, foster parents eligible to participate in the basic health plan as subsidized enrollees and home care workers with family incomes below 200 percent of the federal poverty level shall be allowed to enroll in the basic health plan at the minimum premium amount charged to enrollees with incomes below sixty-five percent of the federal poverty level.

(2) The health care authority shall require organizations and individuals that are paid to deliver basic health plan services and that choose to sponsor enrollment in the subsidized basic health plan to pay 133 percent of the premium amount which would otherwise be due from the sponsored enrollees.

(3)(a) \$1,200,000 of the general fund--state appropriation for fiscal year 2012 is provided solely to plan the implementation of a system of consolidated public school employee health benefits purchasing.

It is the intent of the legislature to improve the administration, transparency, and equity in delivering a K-12 employees' health benefits system. In addition, the legislature intends that any cost savings that result from changes to K-12 health benefits be dedicated to public schools.

To further this legislative intent, the state health care authority shall develop a plan to implement a consolidated health benefits' system for K-12 employees for the 2013-14 school year. The health care authority shall deliver a report to the legislature by December 15, 2011, that sets forth the implementation plan to the ways and means committees of the house of representatives and the senate.

(b) The report prepared by the health care authority shall compare and contrast the costs and benefits, both long and short term, of:

- (i) The current K-12 health benefits system;
- (ii) A new K-12 employee benefits pool; and
- (iii) Enrolling K-12 employees into the health benefits pool for state employees.

(c) In addition to the implementation plan, the report shall include the following information:

- (i) The costs and benefits of the current K-12 health benefits system;
- (ii) The costs and benefits of providing a new statewide K-12 employees' health benefits pool to school districts and school employees;
- (iii) The costs and benefits of enrolling K-12 employees into the existing health benefits pool for state employees;
- (iv) Recommendations of ways to limit administrative duplication and costs, improve transparency to employees, the legislature, and the public and assure equity among beneficiaries of publicly provided employee health benefits;

(v) Recommendations for standardizing benefit packages and purchasing efforts in a manner that seeks to maximize funding and equity for all school employees;

(vi) Recommendations regarding the use of incentives, including how changes to state health benefit allocations could provide employees with benefits that would encourage participation;

(vii) Recommendations regarding the implementation of a new K-12 employee benefit plan, with separate options for voluntary participation and mandatory statewide participation;

(viii) Recommendations regarding methods to reduce inequities between individual and family coverage;

(ix) Consolidation of the purchasing and budget accountability for school employee benefits to maximize administrative efficiency and leverage existing skills and resources; and

(x) Other details the health care authority deems necessary, including but not limited to recommendations on the following:

(A) Approaches for implementing the transition to a statewide pool, including administrative and statutory changes necessary to ensure a successful transition, and whether the pool should be separate from, or combined with, the public employees' benefits pool;

(B) The structure of a permanent governing group to provide ongoing oversight to the consolidated pool, in a manner similar to the public employees benefits board functions for employee health benefits, including statutory duties and authorities of the board; and

(C) Options for including potential changes to: Eligibility standardization, the public employees benefits risk pools, the movement of school employee retirees into the new K-12 pool or pools, and the movement of educational service district employees into the new K-12 pool or pools.

(d) In determining its costs and benefits of a new statewide K-12 employees' health benefits pool for school districts and school employees, the health care authority shall assume the following:

(i) School district enrollees must constitute an entire bargaining unit, or an entire group of nonrepresented employees;

(ii) Staffing and administration for benefits purchasing shall be provided by the health care authority; and

(iii) The new K-12 pool would operate on a schedule that coordinates with the financing and enrollment schedule used for school districts.

(e) The office of the superintendent of public instruction and the office of the insurance commissioner shall provide information and technical assistance to the health care authority as requested by the health care authority. The health care authority shall not implement the new school employee benefits pool until authorized to do so by the legislature.

(4) The administrator shall take at least the following actions to assure that persons participating in the basic health plan are eligible for the level of assistance they receive: (a) Require submission of (i) income tax returns, and recent pay history, from all applicants, or (ii) other verifiable evidence of earned and unearned income from those persons not required to file income tax returns; (b) check employment security payroll records at least once every twelve months on all enrollees; (c) require enrollees whose income as indicated by payroll records exceeds that upon which their subsidy is based to document their current income as a condition of continued eligibility; (d) require enrollees for whom employment security payroll records cannot be obtained to document their current income at least once every six months; (e) not reduce gross family income for self-employed persons by noncash-flow expenses such as, but not limited to, depreciation, amortization, and home office deductions, as defined by the United States internal revenue service; and (f) pursue repayment and civil penalties from persons who have received excessive subsidies, as provided in RCW 70.47.060(9).

(5) Enrollment in the subsidized basic health plan shall be limited to only include persons who qualify as subsidized enrollees as defined in RCW 70.47.020 and who (a) qualify for services under 1115 medicaid demonstration project number 11-W-00254/10; or (b) are foster parents licensed under chapter 74.15 RCW.

(6) \$23,700,000 of the general fund--federal appropriation is provided solely for planning and implementation of a health benefit exchange under the federal patient protection and affordable care act. Within the amounts provided in this subsection, funds used by the authority for information technology projects are conditioned on the authority satisfying the requirements of Engrossed Second Substitute Senate Bill No. 5931 (central service agencies).

(7) Based on quarterly expenditure reports and caseload forecasts, if the health care authority estimates that expenditures for the medical assistance program will exceed the appropriations, the health care authority shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

(8) In determining financial eligibility for medicaid-funded services, the health care authority is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(9) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(10) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the health care authority shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

(11) \$4,261,000 of the general fund--state appropriation for fiscal year 2012, \$4,261,000 of the general fund--state appropriation for fiscal year 2013, and \$8,522,000 of the general fund--federal appropriation are provided solely for low-income disproportionate share hospital payments under RCW 74.09.730(1)(a).

(12) ((\$5,905,000 of the general fund--state appropriation for fiscal year 2012, \$5,905,000 of the general fund--state appropriation for fiscal year 2013, and \$11,810,000 of the general fund--federal appropriation are provided solely for nonrural indigent assistance disproportionate share hospital payments in accordance with RCW 74.09.730(1).

(13) \$665,000 of the general fund--state appropriation for fiscal year 2012, \$665,000 of the general fund--state appropriation for fiscal year 2013, and \$1,330,000 of the general fund--federal appropriation are provided solely for small rural indigent assistance disproportionate share hospital payments in accordance with RCW 74.09.730(1).

(14)) \$6,000,000 of the general fund--federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate-setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments. The supplemental payments are subject to retrospective interim and final cost settlements based on the nursing homes' as-filed and final medicare cost reports. The timing of the interim and final cost settlements shall be at the health care authority's discretion. During either the interim cost settlement or the final cost settlement, the

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health care authority shall recoup from the public hospital districts the supplemental payments that exceed the medicaid cost limit and/or the medicare upper payment limit. The health care authority shall apply federal rules for identifying the eligible incurred medicaid costs and the medicare upper payment limit.

~~((15))~~ (13) The health care authority shall continue the inpatient hospital certified public expenditures program for the 2011- 2013 fiscal biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. The health care authority shall submit reports to the governor and legislature by November 1, 2011, and by November 1, 2012, that evaluate whether savings continue to exceed costs for this program. If the certified public expenditures (CPE) program in its current form is no longer cost-effective to maintain, the health care authority shall submit a report to the governor and legislature detailing cost-effective alternative uses of local, state, and federal resources as a replacement for this program. During fiscal year 2012 and fiscal year 2013, hospitals in the program shall be paid and shall retain one hundred percent of the federal portion of the allowable hospital cost for each medicaid inpatient fee-for-service claim payable by medical assistance and one hundred percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. Inpatient medicaid payments shall be established using an allowable methodology that approximates the cost of claims submitted by the hospitals. Payments made to each hospital in the program in each fiscal year of the biennium shall be compared to a baseline amount. The baseline amount will be determined by the total of (a) the inpatient claim payment amounts that would have been paid during the fiscal year had the hospital not been in the CPE program based on the reimbursement rates developed, implemented, and consistent with policies approved in the 2011-13 biennial operating appropriations act and in effect on July 1, 2011, (b) ~~((one half of the indigent assistance))~~ eighty percent of the low-income disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005, and (c) all of the other disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005 to the extent the same disproportionate share hospital programs exist in the 2011-13 biennium. If payments during the fiscal year exceed the hospital's baseline amount, no additional payments will be made to the hospital except the federal portion of allowable disproportionate share hospital payments for which the hospital can certify allowable match. If payments during the fiscal year are less than the baseline amount, the hospital will be paid a state grant equal to the difference between payments during the fiscal year and the applicable baseline amount. Payment of the state grant shall be made in the applicable fiscal year and distributed in monthly payments. The grants will be recalculated and redistributed as the baseline is updated during the fiscal year. The grant payments are subject to an interim settlement within eleven months after the end of the fiscal year. A final settlement shall be performed. To the extent that either settlement determines that a hospital has received funds in excess of what it would have received as described in this subsection, the hospital must repay the excess amounts to the state when requested. ~~((24,677,000))~~ \$4,168,000 of the general fund--state appropriation for fiscal year 2012~~((, of which \$6,570,000 is appropriated))~~ in section 204(1) of this act, and ~~((21,531,000))~~ \$2,251,000 of the general fund--state appropriation for fiscal year 2013~~((, of which \$6,570,000 is appropriated))~~ in section 204(1) of this act, are provided solely for state grants for the participating hospitals. CPE hospitals will receive the inpatient and outpatient reimbursement rate restorations in RCW 74.60.080 and rate increases in RCW 74.60.090 funded through the hospital safety net assessment fund

rather than through the baseline mechanism specified in this subsection.

~~((16))~~ (14) The health care authority shall seek public-private partnerships and federal funds that are or may become available to provide on-going support for outreach and education efforts under the federal children's health insurance program reauthorization act of 2009.

~~((17))~~ (15) The health care authority shall target funding for maternity support services towards pregnant women with factors that lead to higher rates of poor birth outcomes, including hypertension, a preterm or low birth weight birth in the most recent previous birth, a cognitive deficit or developmental disability, substance abuse, severe mental illness, unhealthy weight or failure to gain weight, tobacco use, or African American or Native American race. The health care authority shall prioritize evidence-based practices for delivery of maternity support services. To the extent practicable, the health care authority shall develop a mechanism to increase federal funding for maternity support services by leveraging local public funding for those services.

~~((18))~~ (16) For children with family incomes above 200 percent of the federal poverty level in the state-funded children's health program for children who are not eligible for coverage under the federally funded children's health insurance program, premiums shall be set every two years in an amount equal to the average state-only share of the per capita cost of coverage in the state-funded children's health program for children in families with incomes at or less than two hundred percent of the federal poverty level.

~~((19))~~ \$704,000 of the general fund--state appropriation for fiscal year 2012, \$726,000 of the general fund--state appropriation for fiscal year 2013, and \$1,431,000 of the general fund--federal appropriation are provided solely for) (17) Within the amounts appropriated in this section, the health care authority shall provide disproportionate share hospital payments to hospitals that provide services to children in the children's health program who are not eligible for services under Title XIX or XXI of the federal social security act due to their citizenship status.

~~((20))~~ ~~\$998,000~~ (18) \$859,000 of the general fund--state appropriation for fiscal year 2012, \$979,000 of the general fund--state appropriation for fiscal year 2013, and ~~((1,980,000))~~ \$1,841,000 of the general fund--federal appropriation are provided solely to increase prior authorization activities for advanced imaging procedures.

~~((21))~~ ~~\$249,000~~ (19) \$196,000 of the general fund--state appropriation for fiscal year 2012, \$246,000 of the general fund--state appropriation for fiscal year 2013, and ~~((495,000))~~ \$442,000 of the general fund--federal appropriation are provided solely to increase prior authorization activities for surgical procedures, which may include orthopedic procedures, spinal procedures and interventions, and nerve procedures.

~~((22))~~ (20) \$300,000 of the general fund--private/local appropriation and \$300,000 of the general fund--federal appropriation are provided solely for a prescriptive practices improvement collaborative focusing upon atypical antipsychotics and other medications commonly used in the treatment of severe and persistent mental illnesses among adults. The project shall promote collaboration among community mental health centers, other major prescribers of atypical antipsychotic medications to adults enrolled in state medical assistance programs, and psychiatrists, pharmacists, and other specialists at the University of Washington department of psychiatry and/or other research universities. The collaboration shall include patient-specific prescriber consultations by psychiatrists and pharmacists specializing in treatment of severe and persistent mental illnesses among adults; production of profiles to assist prescribers and clinics in tracking their prescriptive practices and their patients' medication

use and adherence relative to evidence-based practices guidelines, other prescribers, and patients at other clinics; and in-service seminars at which participants can share and increase their knowledge of evidence-based and other effective prescriptive practices. The health care authority shall enter into an interagency agreement with the office of the attorney general for expenditure of \$300,000 of the state's proceeds of the *cy pres* settlement in *State of Washington v. AstraZeneca* (Seroquel) for this purpose.

~~((23))~~ (21) \$570,000 of the general fund--private/local appropriation is provided solely for continued operation of the partnership access line for child mental health consultations. The health care authority shall enter into an interagency agreement with the office of the attorney general for expenditure of \$570,000 of the state's proceeds of the *cy pres* settlement in *State of Washington v. AstraZeneca* (Seroquel) for this purpose.

~~((24))~~ (22) \$80,000 of the general fund--state appropriation for fiscal year 2012, \$80,000 of the general fund--state appropriation for fiscal year 2013, and \$160,000 of the general fund--federal appropriation are provided solely to fund the Tacoma-Pierce county health department for access and outreach activities to reduce infant mortality.

~~((25))~~ (23) \$75,000 of the general fund--state appropriation for fiscal year 2012, \$75,000 of the general fund--state appropriation for fiscal year 2013, and \$150,000 of the general fund--federal appropriation are provided solely to assist with development and implementation of evidence-based strategies regarding the appropriate, safe, and effective role of C-section surgeries and early induced labor in births and neonatal care. The strategies shall be identified and implemented in consultation with clinical research specialists, physicians, hospitals, advanced registered nurse practitioners, and organizations concerned with maternal and child health.

((26) \$2,400,000 of the general fund--state appropriation for fiscal year 2012, \$2,435,000 of the general fund--state appropriation for fiscal year 2013, \$7,253,000 of the general fund--private/local appropriation, and \$12,455,000 of the general fund--federal appropriation are provided solely for continued provision of) (24) Within the amounts appropriated in this section, the health care authority shall continue to provide school-based medical services by means of an intergovernmental transfer arrangement. ((Under the arrangement,)) Until April 1, 2012, the state shall provide forty percent and school districts sixty percent of the nonfederal matching funds required for receipt of federal medicaid funding for the service. After that date, participating school districts shall provide all of the required nonfederal matching funds.

~~((27))~~ (25) \$263,000 of the general fund--state appropriation for fiscal year 2012, \$88,000 of the general fund--state appropriation for fiscal year 2013, and \$351,000 of the general fund--federal appropriation are provided solely for development and submission to the federal government by October 1, 2011, of a demonstration project proposal as provided in Substitute Senate Bill No. 5596 (medicaid demonstration waiver).

((28) \$5,600,000 of the general fund--state appropriation for fiscal year 2012, \$4,094,000 of the general fund--state appropriation for fiscal year 2013, and \$11,332,000 of the general fund--federal appropriation are provided solely for) (26) Within the amounts appropriated in this section, the health care authority shall provide spoken-language interpreter services. The authority shall develop and implement a new model for delivery of such services no later than January 1, 2012. The model shall include:

(a) Development by the authority in consultation with subject-area experts of guidelines to assist medical practitioners identify the circumstances under which it is appropriate to use telephonic or video-remote interpreting;

(b) The requirement that the state contract with delivery organizations, including foreign language agencies, who employ or

subcontract only with language access providers or interpreters working in the state who are certified or authorized by the state. When a state-certified or state-authorized in-state language access provider or interpreter is not available, the delivery organization, including foreign language agencies, may use a provider with other certifications or qualifications deemed to meet state standards, including interpreters in other states; and

(c) Provision of a secure, web-based tool that medical practitioners will use to schedule appointments for interpreter services and to identify the most appropriate, cost-effective method of service delivery in accordance with the state guidelines.

Nothing in this subsection affects the ability of health care providers to provide interpretive services through employed staff or through telephone and video remote technologies when not reimbursed directly by the department. The amounts in this subsection do not include federal administrative funds provided to match nonstate expenditures by local health jurisdictions and governmental hospitals.

~~((29))~~ (27) In its procurement of contractors for delivery of medical managed care services for nondisabled, nonelderly persons, the medical assistance program shall (a) place substantial emphasis upon price competition in the selection of successful bidders; and (b) not require delivery of any services that would increase the actuarial cost of service beyond the levels included in current healthy options contracts.

~~((30))~~ (28) \$1,430,000 of the general fund--state appropriation for fiscal year 2012, \$1,430,000 of the general fund--state appropriation for fiscal year 2013, and \$2,860,000 of the general fund--federal appropriation are provided solely to pay federally-designated rural health clinics their standard encounter rate for prenatal and well-child visits, whether delivered under a managed care contract or fee-for-service. In reconciling managed care enhancement payments for calendar years 2009 and 2010, the department shall treat well-child and prenatal care visits as encounters subject to the clinic's encounter rate.

~~((31))~~ (29) \$280,000 of the general fund--state appropriation for fiscal year 2012 and \$282,000 of the general fund--federal appropriation are provided solely to increase utilization management of drugs and drug classes for which there is evidence of over-utilization, off-label use, excessive dosing, duplicative therapy, or opportunities to shift utilization to less expensive, equally effective formulations.

~~((32))~~ (30) \$70,000 of the general fund--state appropriation for fiscal year 2012, \$70,000 of the general fund--state appropriation for fiscal year 2013, and \$140,000 of the general fund--federal appropriation are provided solely to continue operation by a nonprofit organization of a toll-free hotline that assists families to learn about and enroll in the apple health for kids program.

~~((33))~~ (31) \$400,000 of the general fund--state appropriation for fiscal year 2012 and \$400,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for the local outreach, case management, and coordination with dental providers needed to execute the access to baby and child dentistry program, which provides dental care to Medicaid eligible children up to age six.

((34) \$1,868,000 of the general fund--state appropriation for fiscal year 2012, \$1,873,000 of the general fund--state appropriation for fiscal year 2013, and \$3,154,000 of the general fund--federal appropriation are provided solely to continue to) (32) Within the amounts appropriated in this section, the health care authority shall provide dental services to pregnant women. Services shall include preventive, routine, and emergent dental care.

~~((35))~~ (33) \$395,000 of the general fund--state appropriation for fiscal year 2012, \$395,000 of the general fund--state appropriation for fiscal year 2013, and \$790,000 of the general fund--federal appropriation are provided solely for continued

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operation of the dental education in care of persons with disabilities (DECOD) program at the University of Washington.

~~((36))~~ ~~(\$112,000)~~ (34) \$159,000 of the general fund--state appropriation for fiscal year 2012, ~~(((\$112,000 of the general fund--state appropriation for fiscal year 2013))~~ \$302,000 of the general fund--private/local appropriation, and \$1,928,000 of the general fund-- federal appropriation are provided solely for the provider incentive program and other initiatives related to the health information technology Medicaid plan. The general fund--private/local appropriation in this subsection shall be funded with proceeds from settlements in the case of State of Washington vs. GlaxoSmithKline. The authority and the office of the attorney general shall enter an interagency agreement regarding use of these funds.

~~((37))~~ (35) \$2,926,000 of the general fund--local appropriation and \$2,928,000 of the general fund--federal appropriation are provided solely to support medical airlift services.

~~((38))~~ (36) The authority shall collect data on enrollment and utilization to study whether the expansion of family planning coverage under Substitute Senate Bill No. 5912 is reducing state medical expenditures by reducing unwanted pregnancies. The authority shall report its findings to the legislature by December 1, 2012.

~~((39))~~ (37) \$480,000 of the general fund--state appropriation for fiscal year 2012, \$480,000 of the general fund--state appropriation for fiscal year 2013, and \$824,000 of the general fund--federal appropriation are provided solely for customer services staff. The authority will attempt to improve the phone answer rate to 40 percent and reduce the response times to written questions to ten days for clients and 25 days for providers. The authority will report to the legislature on its progress toward achieving these goals by January 1, 2012. If the authority has not achieved these goals by July 1, 2012, then the authority shall reduce expenditures on management staff in order to increase expenditures on customer service staff until the goals are achieved.

~~((40))~~ (38) The department shall purchase a brand name drug when it determines that the cost of the brand name drug after rebates is less than the cost of generic alternatives and that purchase of the brand rather than generic version can save at least \$250,000. The department may purchase generic alternatives when changes in market prices make the price of the brand name drug after rebates more expensive than the generic alternatives.

~~((41))~~ (39) The department shall collaborate closely with the Washington state hospital and medical associations in identification of the diagnostic codes and retroactive review procedures that will be used to determine whether an emergency room visit is a nonemergency condition to assure that conditions that require emergency treatment continue to be covered.

(40) If Substitute Senate Bill No. 6442 is enacted, the health care authority shall provide a loan in the amount of \$12,393,000 from the public employees' and retirees insurance account to the school employees' insurance administrative account in order to fund startup costs during the 2011-2013 fiscal biennium for the school employees' benefits board, with the following terms:

(a) Repayment of the loan shall not commence earlier than January 1, 2014;

(b) Repayment of the loan shall not be completed later than June 30, 2017; and

(c) Interest shall be charged on the amount lent at a rate equal to that which the balance would have been expected to earn in the event that the loan were not made, plus five-tenths of a percent per annum. The state treasurer shall maintain a record of the loan and must calculate repayment obligations for the school employees' insurance administrative account.

(41) For periods subsequent to May 31, 2012, no funds are

appropriated in this act for medical care services for persons eligible for such services under RCW 74.09.035(1)(a) or 74.09.035(c). The administrator shall therefore immediately commence such actions as may be necessary to disenroll such persons effective June 1, 2012, including but not limited to terminating the state's demonstration waiver agreement with the federal department of health and human services.

(42) Prior to entering into a contract for medicaid managed care services for the period commencing July 1, 2012, the director of the health care authority shall certify to the governor and to the health care committees of the legislature that the contractor has established a network of acute, primary, and specialty care providers that is sufficient to meet the needs of the contractor's anticipated enrollee population. If no plan is able to certify an adequate provider network in a county, the health care authority shall request re-bids from all plans which originally submitted bids for the county during the regular procurement process until award is successful. No county, that is currently served by Medicaid managed care services shall revert to fee-for-service as a result of the procurement process.

(43) The authority shall apply the dispense-as-written prior authorization provisions of RCW 69.41.190(1)(a) to any drug formulary limitations adopted to operate within the appropriations provided in this section.

**Sec. 214.** 2011 1st sp.s. c 50 s 214 (uncodified) is amended to read as follows:

FOR THE HUMAN RIGHTS COMMISSION

General Fund--State Appropriation (FY 2012) .....	(\$2,240,000)
.....	\$2,015,000
General Fund--State Appropriation (FY 2013) .....	(\$2,242,000)
.....	\$2,017,000
General Fund--Federal Appropriation .....	\$1,903,000
TOTAL APPROPRIATION .....	(\$6,385,000)
.....	\$5,935,000

Sec. 215. 2011 2nd sp.s. c 9 s 214 (uncodified) is amended to read as follows:

FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS  
Worker and Community Right-to-Know Account--State

Appropriation .....	\$10,000
Accident Account--State Appropriation .....	(\$19,690,000)
.....	\$19,689,000
Medical Aid Account--State Appropriation .....	\$19,689,000
TOTAL APPROPRIATION .....	(\$39,389,000)
.....	\$39,388,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$36,000 of the accident account--state appropriation and \$36,000 of the medical aid account--state appropriation are solely provided for Engrossed Substitute Senate Bill No. 5068 (industrial safety and health act). If the bill is not enacted by June 30, 2011, the amounts provided in this subsection shall lapse.

(2) \$16,000 of the accident account--state appropriation and \$16,000 of the medical aid account--state appropriation are solely provided for Substitute Senate Bill No. 5801 (industrial insurance system). If the bill is not enacted by June 30, 2011, the amounts provided in this subsection shall lapse.

(3) \$1,893,000 of the accident account--state appropriation and \$1,893,000 of the medical aid account--state appropriation are provided solely for implementation of House Bill No. 2123 (workers' compensation). If the bill is not enacted by June 30, 2011, the amounts provided in this subsection shall lapse.

**Sec. 216.** 2011 2nd sp.s. c 9 s 215 (uncodified) is amended to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

General Fund--State Appropriation (FY 2012) .....	\$14,850,000
General Fund--State Appropriation (FY 2013) .....	\$14,711,000

General Fund--Federal Appropriation .....	\$456,000
General Fund--Private/Local Appropriation.....	\$4,048,000
Death Investigations Account--State Appropriation.....	\$148,000
Municipal Criminal Justice Assistance Account-- State Appropriation .....	\$460,000
Washington Auto Theft Prevention Authority Account-- State Appropriation .....	\$8,597,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$43,270,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,000,000 of the general fund--state appropriation for fiscal year 2012 and \$5,000,000 of the general fund--state appropriation for fiscal year 2013, are provided to the Washington association of sheriffs and police chiefs solely to verify the address and residency of registered sex offenders and kidnapping offenders under RCW 9A.44.130.

(2) \$321,000 of the general fund--local appropriation is provided solely to purchase ammunition for the basic law enforcement academy. Jurisdictions shall reimburse to the criminal justice training commission the costs of ammunition, based on the average cost of ammunition per cadet, for cadets that they enroll in the basic law enforcement academy.

(3) The criminal justice training commission may not run a basic law enforcement academy class of fewer than 30 students.

(4) \$100,000 of the general fund--state appropriation for fiscal year 2012 and \$100,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for a school safety program. The commission, in collaboration with the school safety center advisory committee, shall provide the school safety training for all school administrators and school safety personnel hired after the effective date of this section.

(5) \$96,000 of the general fund--state appropriation for fiscal year 2012 and \$90,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the school safety center within the commission. The safety center shall act as an information dissemination and resource center when an incident occurs in a school district in Washington or in another state, coordinate activities relating to school safety, and review and approve manuals and curricula used for school safety models and training. Through an interagency agreement, the commission shall provide funding for the office of the superintendent of public instruction to continue to develop and maintain a school safety information web site. The school safety center advisory committee shall develop and revise the training program, using the best practices in school safety, for all school safety personnel. The commission shall provide research-related programs in school safety and security issues beneficial to both law enforcement and schools.

(6) \$1,000,000 of the general fund--state appropriation for fiscal year 2012 and \$1,000,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for grants to counties enforcing illegal drug laws and which have been underserved by federally funded state narcotics task forces. The Washington association of sheriffs and police chiefs, the Washington association of prosecuting attorneys, and the Washington association of county officials shall jointly develop funding allocations for the offices of the county sheriff, county prosecutor, and county clerk in qualifying counties. The commission shall not impose an administrative cost on this program.

Sec. 217. 2011 2nd sp.s. c 9 s 216 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

General Fund--State Appropriation (FY 2012) .....	\$17,433,000
General Fund--State Appropriation (FY 2013) .....	(\$18,374,000)
.....	\$18,272,000
General Fund--Federal Appropriation .....	\$11,636,000

Asbestos Account--State Appropriation .....	(\$395,000)
.....	\$379,000
Electrical License Account--State Appropriation.....	(\$37,019,000)
.....	\$36,520,000
Farm Labor Revolving Account--Private/Local Appropriation .....	\$28,000
Worker and Community Right-to-Know Account-- State Appropriation .....	(\$949,000)
.....	\$922,000
Public Works Administration Account--State Appropriation .....	(\$6,814,000)
.....	\$7,007,000
Manufactured Home Installation Training Account-- State Appropriation .....	\$334,000
Accident Account--State Appropriation .....	(\$252,809,000)
.....	\$253,453,000
Accident Account--Federal Appropriation .....	\$13,622,000
Medical Aid Account--State Appropriation .....	(\$264,202,000)
.....	\$265,298,000
Medical Aid Account--Federal Appropriation .....	\$3,186,000
Plumbing Certificate Account--State Appropriation ..	(\$1,688,000)
.....	\$1,684,000
Pressure Systems Safety Account--State Appropriation .....	(\$4,068,000)
.....	\$4,070,000
<b>TOTAL APPROPRIATION .....</b>	<b>(\$632,557,000)</b>
.....	\$633,844,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Pursuant to RCW 43.135.055, the department is authorized to increase fees related to factory assembled structures, contractor registration, electricians, plumbers, asbestos removal, boilers, elevators, and manufactured home installers. These increases are necessary to support expenditures authorized in this section, consistent with chapters 43.22, 18.27, 19.28, and 18.106 RCW, RCW 49.26.130, and chapters 70.79, 70.87, and 43.22A RCW.

(2) \$50,000 of the general fund--state appropriation for fiscal year 2012 and \$50,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the crime victims compensation program to pay claims for mental health services for crime victim compensation program clients who have an established relationship with a mental health provider and subsequently obtain coverage under the medicaid program or the medical care services program under chapter 74.09 RCW. Prior to making such payment, the program must have determined that payment for the specific treatment or provider is not available under the medicaid or medical care services program. In addition, the program shall make efforts to contact any healthy options or medical care services health plan in which the client may be enrolled to help the client obtain authorization to pay the claim on an out-of-network basis.

(3) \$1,281,000 of the accident account--state appropriation and \$1,281,000 of the medical aid account--state appropriation are provided solely for implementation of Engrossed Substitute House Bill No. 1725 (workers' compensation). If the bill is not enacted by June 30, 2011, the amounts provided in this subsection shall lapse.

(4) \$51,000 of the accident account--state appropriation and \$51,000 of the medical aid account--state appropriation are provided solely for implementation of Engrossed Substitute House Bill No. 1367 (for hire vehicles, operators). If the bill is not enacted by June 30, 2011, the amounts provided in this subsection shall lapse.

(5) \$8,727,000 of the medical aid account--state appropriation is provided solely for implementation of Substitute Senate Bill No. 5801 (industrial insurance system). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(6) \$625,000 of the general fund--state appropriation for fiscal year 2012, \$625,000 of the general fund--state appropriation for

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fiscal year 2013, \$1,250,000 of the public works administration account--state appropriation, \$708,000 of the accident account--state appropriation, and \$708,000 of the medical aid account--state appropriation are provided solely for the purposes of expanding the detecting unregistered employers targeting system and to support field staff in investigation and enforcement. Within the funds appropriated in this subsection, the department shall aggressively combat the underground economy in construction. Of the amounts provided in this subsection, \$800,000 shall be used for investigation and enforcement.

(7) \$8,583,000 of the accident account--state appropriation and \$18,278,000 of the medical aid account--state appropriation are provided solely for implementation of House Bill No. 2123 (workers' compensation). If the bill is not enacted by June 30, 2011, the amounts provided in this subsection shall lapse.

Sec. 218. 2011 2nd sp.s. c 9 s 217 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

(1) HEADQUARTERS

General Fund--State Appropriation (FY 2012) .....	\$1,832,000
General Fund--State Appropriation (FY 2013) .....	\$1,826,000
Charitable, Educational, Penal, and Reformatory Institutions Account--State Appropriation .....	\$10,000
TOTAL APPROPRIATION .....	\$3,668,000

(2) FIELD SERVICES

General Fund--State Appropriation (FY 2012) .....	\$5,006,000
General Fund--State Appropriation (FY 2013) .....	\$5,001,000
General Fund--Federal Appropriation .....	\$3,356,000
General Fund--Private/Local Appropriation.....	\$4,737,000
Veterans Innovations Program Account--State Appropriation .....	\$812,000
Veteran Estate Management Account--Private/Local Appropriation .....	\$1,083,000
TOTAL APPROPRIATION .....	\$19,995,000

The appropriations in this subsection are subject to the following conditions and limitations: \$821,000 of the veterans innovations program account--state appropriation is provided solely for the department to continue support for returning combat veterans through the veterans innovation program, including emergency financial assistance through the defenders' fund and long-term financial assistance through the competitive grant program.

(3) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2012) .....	(\$899,000)
.....	\$1,755,000
((General Fund--State Appropriation (FY 2013).....	\$71,000))
General Fund--Federal Appropriation .....	(\$59,177,000))
.....	\$61,734,000
General Fund--Private/Local Appropriation.....	(\$32,094,000))
.....	\$29,724,000
TOTAL APPROPRIATION .....	(\$92,241,000))
.....	\$93,213,000

Sec. 219. 2011 2nd sp.s. c 9 s 218 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

General Fund--State Appropriation (FY 2012) .....	(\$79,888,000))
.....	\$78,999,000
General Fund--State Appropriation (FY 2013) .....	(\$79,718,000))
.....	\$51,357,000
General Fund--Federal Appropriation .....	(\$555,563,000))
.....	\$552,931,000
General Fund--Private/Local Appropriation.....	(\$148,362,000))
.....	\$148,361,000
Hospital Data Collection Account--State Appropriation....	\$214,000
Health Professions Account--State Appropriation ...	(\$94,469,000))
.....	\$99,514,000

Aquatic Lands Enhancement Account--State Appropriation .....	\$604,000
.....	
Emergency Medical Services and Trauma Care Systems Trust Account--State Appropriation.....	\$12,302,000
Safe Drinking Water Account--State Appropriation .....	\$4,480,000
Drinking Water Assistance Account--Federal Appropriation .....	\$22,875,000
Waterworks Operator Certification--State Appropriation .....	\$1,532,000
Drinking Water Assistance Administrative Account-- State Appropriation .....	\$326,000
Site Closure Account--State Appropriation.....	\$79,000
Biotoxin Account--State Appropriation.....	\$1,167,000
State Toxics Control Account--State Appropriation...((	(\$3,649,000))
.....	\$20,352,000
Medical Test Site Licensure Account--State Appropriation .....	\$2,321,000
Youth Tobacco Prevention Account--State Appropriation .....	
.....	\$1,512,000
Community and Economic Development Fee Account--State Appropriation .....	(\$596,000))
.....	\$298,000
Public Health Supplemental Account--Private/Local Appropriation .....	\$3,598,000
Accident Account--State Appropriation .....	\$297,000
Medical Aid Account--State Appropriation .....	\$50,000
Tobacco Prevention and Control Account--State Appropriation .....	(\$37,000))
.....	\$1,737,000
TOTAL APPROPRIATION .....	(\$1,013,560,000))
.....	\$1,004,906,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department of health and the state board of health shall not implement any new or amended rules pertaining to primary and secondary school facilities until the rules and a final cost estimate have been presented to the legislature, and the legislature has formally funded implementation of the rules through the omnibus appropriations act or by statute. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(2) In accordance with RCW 43.70.250 and 43.135.055, the department is authorized to establish and raise fees in fiscal year 2012 as necessary to meet the actual costs of conducting business and the appropriation levels in this section. This authorization applies to fees required for: The review of health care facility construction; review of health facility requests for certificate of need; the regulation and inspection of farm worker housing, hospital licensing, in-home health service agencies, and producers of radioactive waste; the regulation and inspection of shellfish sanitary control, surgical facility licensing, and; fees associated with

the following professions: Dieticians and nutritionists, occupational therapists, pharmacy, veterinarian, orthotics and prosthetics, surgical technicians, nursing home administrators, health care assistants, hearing and speech, psychology, hypnotherapy, chiropractic, social workers, physicians, and physician assistants.

(3) In accordance with RCW 43.135.055, the department is authorized to adopt fees set forth in and previously authorized in chapter 92, Laws of 2010.

(4) \$1,969,000 of the health professions account--state appropriation is provided solely to implement online licensing for health care providers. The department must submit a detailed investment plan for this project to the office of financial management. The office of financial management must review and approve this plan before funding may be expended. The department of health must successfully implement online application and renewal for at least one profession as a pilot project before pursuing additional professions. The department must report to the office of financial management on the outcome of the pilot project.

~~((4))~~ (5) \$16,000 of the health professions account--state appropriation is provided solely for the implementation of House Bill No. 1181 (board of naturopathy). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

~~((5))~~ (6) \$21,000 of the health professions account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1304 (health care assistants). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

~~((6))~~ (7) \$54,000 of the health professions account--state appropriation is provided solely for the implementation of House Bill No. 1353 (pharmacy technicians). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

~~((7))~~ (8) \$142,000 of the health professions account--state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5020 (social workers). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

~~((8))~~ (9) \$336,000 of the health professions account--state appropriation is provided solely for the implementation of Senate Bill No. 5480 (physicians and physician assistants). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

~~((9))~~ (10) \$46,000 of the health professions account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5071 (online access for midwives and marriage and family therapists). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

~~((10))~~ (11) \$137,000 of the health professions account--state appropriation is provided solely for implementation of Substitute House Bill No. 1133 (massage practitioner license). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

~~((11))~~ (12) \$85,000 of the general fund--state appropriation for fiscal year 2012 ~~((and \$85,000 of the general fund--state appropriation for fiscal year 2013 are))~~ is provided solely for the developmental disabilities council to contract for a family-to-family mentor program to provide information and support to families and guardians of persons who are transitioning out of residential habilitation centers. To the maximum extent allowable under federal law, these funds shall be matched under medicaid through the department of social and health services and federal funds shall be transferred to the department for the purposes stated in this subsection. If Second Substitute Senate Bill No. 5459 (people with developmental disabilities) is not enacted by June 30, 2011, the amounts provided in this subsection shall lapse.

~~((12))~~ (13) \$57,000 of the general fund--state appropriation for fiscal year 2012 and \$58,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the midwifery licensure and regulatory program to offset a reduction in revenue from fees. There shall be no change to the current annual fees for new or renewed licenses for the midwifery program, except from online access to HEAL- WA. The department shall convene the midwifery advisory committee on a quarterly basis to address issues related to licensed midwifery.

~~((13))~~ (14) \$118,000 of the general fund--state appropriation for fiscal year 2012 and \$118,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for prevention of youth suicides.

~~((14))~~ (15) \$87,000 of the general fund--state appropriation for fiscal year 2012 and \$87,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the senior falls prevention program.

(16) \$19,000 of the health professions account--state appropriation is provided solely for implementation of Senate Bill No. 6290 (military spouses and partners). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(17) \$50,000 of the health professions account--state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 6237 (career pathway/medical assistants). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(18) \$21,000 of the health professions account--state appropriation is provided solely for implementation of Substitute Senate Bill No. 6328 (mental health professionals). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(19) \$148,000 of the health professions account--state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 6103 (reflexologists). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(20) \$28,000 of the health professions account--state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5620 (dental anesthesia assistants). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(21) Appropriations for fiscal year 2013 include funding for consolidation of the department of ecology's low-level radioactive waste site use permit program in the department of health.

**Sec. 220.** 2011 2nd sp.s. c 9 s 219 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

(1) ADMINISTRATION AND SUPPORT SERVICES	
General Fund--State Appropriation (FY 2012) .....	(\$54,529,000))
.....	\$52,529,000
General Fund--State Appropriation (FY 2013) .....	(\$53,210,000))
.....	\$53,419,000
TOTAL APPROPRIATION.....	(\$107,739,000))
.....	\$105,948,000

The appropriations in this subsection are subject to the following conditions and limitations: \$35,000 of the general fund--state appropriation for fiscal year 2012 and \$35,000 of the general fund-- state appropriation for fiscal year 2013 are provided solely for the support of a statewide council on mentally ill offenders that includes as its members representatives of community-based mental health treatment programs, current or former judicial officers, and directors and commanders of city and county jails and state prison facilities. The council will investigate and promote cost-effective approaches to meeting the long-term needs of adults and juveniles with mental disorders who have a history of offending

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or who are at-risk of offending, including their mental health, physiological, housing, employment, and job training needs.

(2) CORRECTIONAL OPERATIONS

General Fund--State Appropriation (FY 2012) .....	(\$609,105,000)
.....	\$599,191,000
General Fund--State Appropriation (FY 2013) .....	(\$602,804,000)
.....	\$582,174,000
General Fund--Federal Appropriation .....	\$3,324,000
Washington Auto Theft Prevention Authority Account-- State Appropriation .....	\$14,079,000
TOTAL APPROPRIATION .....	(\$1,229,312,000)
.....	\$1,198,768,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) During the 2011-13 biennium, when contracts are established or renewed for offender pay phone and other telephone services provided to inmates, the department shall select the contractor or contractors primarily based on the following factors: (i) The lowest rate charged to both the inmate and the person paying for the telephone call; and (ii) the lowest commission rates paid to the department, while providing reasonable compensation to cover the costs of the department to provide the telephone services to inmates and provide sufficient revenues for the activities funded from the institutional welfare betterment account.

(b) The Harborview medical center and the University of Washington medical center shall provide inpatient and outpatient hospital services to offenders confined in department of corrections facilities at a rate no greater than the average rate that the department has negotiated with other community hospitals in Washington state.

(c) \$102,000 of the general fund--state appropriation for fiscal year 2012 and \$102,000 of the general fund--state appropriation for fiscal year 2013 are provided solely to implement House Bill No. 1290 (health care employee overtime). If the bill is not enacted by June 30, 2011, the amounts provided in this subsection shall lapse.

(d) \$32,000 of the general fund--state appropriation for fiscal year 2012 and \$33,000 of the general fund--state appropriation for fiscal year 2013 are provided solely to implement Substitute House Bill No. 1718 (offenders with developmental disabilities). If the bill is not enacted by June 30, 2011, the amounts provided in this subsection shall lapse.

(e) The department of corrections shall contract with local and tribal governments for the provision of jail capacity to house offenders. A contract shall not have a cost of incarceration in excess of \$85 per day per offender. A contract shall not have a year-to-year increase in excess of three percent per year. The contracts may include rates for the medical care of offenders which exceed the daily cost of incarceration and the limitation on year-to-year increase, provided that medical payments conform to the department's offender health plan, pharmacy formulary, and all off-site medical expenses are preapproved by department utilization management staff.

(f) \$41,000 of the general fund--state appropriation for fiscal year 2012 and \$165,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the department to maintain the facility, property and assets at the institution formerly known as the Maple Lane school in Rochester. The department may not house incarcerated offenders at the Maple Lane site until specifically directed by the legislature.

(3) COMMUNITY SUPERVISION

General Fund--State Appropriation (FY 2012) .....	(\$129,635,000)
.....	\$127,625,000
General Fund--State Appropriation (FY 2013) .....	(\$128,049,000)
.....	\$130,441,000
Federal Narcotics Forfeiture Account--Federal Appropriation .....	\$372,000

Controlled Substances Account--State

Appropriation .....	\$32,000
TOTAL APPROPRIATION .....	(\$258,088,000)
.....	\$258,470,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$875,000 of the general fund--state appropriation for fiscal year 2012 is provided solely to implement Engrossed Substitute House Bill No. 5891 (criminal justice cost savings). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(b) Within the funds provided in this section, the department of corrections must establish a transitional reentry housing pilot program by contracting with housing providers to continuously make available no fewer than fifty beds in transitional reentry housing to meet the needs of offenders transitioning to the community on earned early release and who are in need of housing pursuant to RCW 9.94A.729(5)(d). The department must give preference to housing providers that provide a small, family-oriented living environment with between three and ten beds and provide transition support that enables an offender to participate in programming or services. The department shall track the housing and recidivism status of offenders who participate in transitional reentry housing and report to the governor and appropriate committees of the legislature by December 1, 2013.

(4) CORRECTIONAL INDUSTRIES

General Fund--State Appropriation (FY 2012) .....	(\$3,535,000)
.....	\$2,513,000
General Fund--State Appropriation (FY 2013) .....	(\$3,458,000)
.....	\$2,435,000
TOTAL APPROPRIATION .....	(\$6,993,000)
.....	\$4,948,000

The appropriations in this subsection are subject to the following conditions and limitations: \$66,000 of the general fund--state appropriation for fiscal year 2012 is provided solely for transfer to the jail industries board. The board shall use the amounts provided only for administrative expenses, equipment purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs.

(5) INTERAGENCY PAYMENTS

General Fund--State Appropriation (FY 2012) .....	\$37,053,000
General Fund--State Appropriation (FY 2013) .....	(\$35,549,000)
.....	\$35,550,000
TOTAL APPROPRIATION .....	(\$72,602,000)
.....	\$72,603,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state prison institutions may use funds appropriated in this subsection to rent uniforms from correctional industries in accordance with existing legislative mandates.

(b) The state prison medical facilities may use funds appropriated in this subsection to purchase goods and supplies through hospital or other group purchasing organizations when it is cost effective to do so.

(c) The department shall reduce payments to the department of information services or its successor by \$213,000 in fiscal year 2012 and by \$1,150,000 in fiscal year 2013. The reduction in payment shall be related to the elimination of the offender base tracking system, including moving remaining portions of the offender base tracking system into the offender management network information system.

**Sec. 221.** 2011 2nd sp.s. c 9 s 220 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General Fund--State Appropriation (FY 2012)	\$2,278,000
General Fund--State Appropriation (FY 2013)	\$2,264,000
General Fund--Federal Appropriation	\$19,082,000
General Fund--Private/Local Appropriation	\$30,000
<b>TOTAL APPROPRIATION</b>	<b>\$23,654,000</b>

Sec. 222. 2011 2nd sp.s. c 9 s 221 (uncodified) is amended to read as follows:

**FOR THE EMPLOYMENT SECURITY DEPARTMENT**

General Fund--Federal Appropriation	(((\$267,301,000))
.....	\$267,298,000
General Fund--Private/Local Appropriation	\$33,931,000
Unemployment Compensation Administration Account--	
Federal Appropriation	(((\$350,622,000))
.....	\$350,598,000
Administrative Contingency Account--State	
Appropriation	\$20,948,000
Employment Service Administrative Account--State	
Appropriation	(((\$33,721,000))
.....	\$33,720,000
<b>TOTAL APPROPRIATION</b>	<b>(((\$706,523,000))</b>
.....	<b>\$706,495,000</b>

The appropriations in this subsection are subject to the following conditions and limitations:

(1) \$39,666,000 of the unemployment compensation administration account--federal appropriation is from amounts made available to the state by section 903 (d), (f), and (g) of the social security act (Reed act). This amount is provided solely for continuing current unemployment insurance functions and department services to employers and job seekers.

(2) \$35,584,000 of the unemployment compensation administration account--federal appropriation is from amounts made available to the state by section 903 (d), (f), and (g) of the social security act (Reed act). This amount is provided solely for the replacement of the unemployment insurance tax information system for the employment security department. The employment security department shall support the department of revenue and department of labor and industries to develop a common vision to ensure technological compatibility between the three agencies to facilitate a coordinated business tax system for the future that improves services to business customers. The amounts provided in this subsection are conditioned on the department satisfying the requirements of the project management oversight standards and policies established by the office of the chief information officer created in Engrossed Substitute Senate Bill No. 5931 (information technology management).

(3) \$25,000 of the unemployment compensation administration account--federal appropriation is from amounts made available to the state by section 903 (d), (f), and (g) of the social security act (Reed act). This amount is provided solely for implementation of system changes to the unemployment insurance tax information system required under chapter 4, Laws of 2011 (unemployment insurance program).

(4) \$1,459,000 of the unemployment compensation administration account--federal appropriation is from amounts available to the state by section 903 (d), (f), and (g) of the social security act (Reed act). This amount is provided solely for implementation of chapter 4, Laws of 2011 (unemployment insurance program).

(5) \$60,000 of the unemployment compensation administration account--federal appropriation is provided solely for costs associated with the initial review and evaluation of the training benefits program as directed in section 15(2), chapter 4, Laws of 2011 (unemployment insurance program). The initial review shall be developed by the joint legislative audit and review committee. This appropriation is provided from funds made available to the

state by section 903 (d), (f), and (g) of the social security act (Reed act).

(End of part)

**PART III  
NATURAL RESOURCES**

**Sec. 301.** 2011 2nd sp.s. c 9 s 302 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

General Fund--State Appropriation (FY 2012)	(((\$47,630,000))
.....	\$28,948,000
General Fund--State Appropriation (FY 2013)	(((\$46,226,000))
.....	\$24,642,000
General Fund--Federal Appropriation	(((\$77,452,000))
.....	\$100,154,000
General Fund--Private/Local Appropriation	(((\$16,691,000))
.....	\$16,730,000
Special Grass Seed Burning Research Account--State	
Appropriation	\$3,000
Reclamation Revolving Account--State Appropriation	(((\$3,642,000))
.....	\$4,643,000
Flood Control Assistance Account--State	
Appropriation	(((\$1,940,000))
.....	\$1,933,000
State Emergency Water Projects Revolving Account--State	
Appropriation	\$270,000
Waste Reduction/Recycling/Litter Control--State	
Appropriation	(((\$11,478,000))
.....	\$9,762,000
State Drought Preparedness Account--State	
Appropriation	(((\$118,000))
.....	\$204,000
State and Local Improvements Revolving Account	
(Water Supply Facilities)--State Appropriation	(((\$423,000))
.....	\$422,000
Freshwater Aquatic Algae Control Account--State	
Appropriation	\$509,000
Water Rights Tracking System Account--State Appropriation	\$46,000
.....	(((\$703,000))
.....	\$622,000
Wood Stove Education and Enforcement Account--State	
Appropriation	(((\$612,000))
.....	\$723,000
Worker and Community Right-to-Know Account--State	
Appropriation	(((\$1,668,000))
.....	\$1,661,000
Water Rights Processing Account--State Appropriation	(((\$136,000))
.....	\$135,000
State Toxics Control Account--State Appropriation	(((\$112,575,000))
.....	\$148,563,000
State Toxics Control Account--Private/Local	
Appropriation	(((\$968,000))
.....	\$966,000
Local Toxics Control Account--State Appropriation	(((\$27,390,000))
.....	\$26,207,000
Water Quality Permit Account--State Appropriation	(((\$37,748,000))
.....	\$39,066,000
Underground Storage Tank Account--State	

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Appropriation .....	(((\$3,254,000))
.....	\$3,239,000
Biosolids Permit Account--State Appropriation.....	(((\$1,805,000))
.....	\$1,797,000
Hazardous Waste Assistance Account--State	
Appropriation .....	(((\$5,857,000))
.....	\$5,835,000
Air Pollution Control Account--State Appropriation .....	(((\$2,468,000))
.....	\$2,545,000
Oil Spill Prevention Account--State Appropriation.....	(((\$5,566,000))
.....	\$5,542,000
Air Operating Permit Account--State Appropriation.....	(((\$2,746,000))
.....	\$3,285,000
Freshwater Aquatic Weeds Account--State	
Appropriation .....	(((\$1,700,000))
.....	\$1,698,000
Oil Spill Response Account--State Appropriation.....	\$7,076,000
Metals Mining Account--State Appropriation.....	\$14,000
Water Pollution Control Revolving Account--State	
Appropriation .....	(((\$611,000))
.....	\$610,000
Water Pollution Control Revolving Account--Federal	
Appropriation .....	(((\$2,517,000))
.....	\$2,509,000
TOTAL APPROPRIATION .....	(((\$421,842,000))
.....	\$440,359,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$170,000 of the oil spill prevention account--state appropriation is provided solely for a contract with the University of Washington's sea grant program to continue an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(2) Pursuant to RCW 43.135.055, the department is authorized to increase the following fees as necessary to meet the actual costs of conducting business and the appropriation levels in this section: Wastewater discharge permit, not more than 4.34 percent in fiscal year 2012 and 4.62 percent in fiscal year 2013; biosolids permit fee, not more than 10 percent during the biennium; and air contaminant source registration fee, not more than 36 percent during the biennium; agricultural burning acreage and pile burning fees, not more than 25 percent and 100 percent respectively, in fiscal year 2013; and dam safety and inspection fees, not more than 35 percent in fiscal year 2012 and 4.62 percent in fiscal year 2013. Any fee increase implemented to offset general fund--state reductions in the 2011-2013 fiscal biennium may be made effective on or before July 1, 2012.

(3) If Substitute House Bill No. 1294 (Puget Sound corps) is not enacted by June 30, 2011, \$322,000 of the general fund--state appropriation for fiscal year 2012 and \$322,000 of the general fund-- state appropriation for fiscal year 2013 shall be transferred to the department of natural resources.

(4) \$463,000 of the state toxics control account--state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1186 (state's oil spill program). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(5) Pursuant to RCW 70.93.180(5), the appropriations in this section from the waste reduction, recycling, and litter control account shall only be expended on activities listed under RCW 70.93.180(1) (a) and (b), and the department shall not expend appropriations on RCW 70.93.180(1)(c). The department may not spend waste reduction, recycling, and litter control account funds to support the following activities: The beyond waste plan, work on national solid waste recycling issues, work on construction and

demolition recycling and green building alternatives, education programs including the green schools initiative, and management of the 1-800-recycle hotline and database on school awards. Waste reduction, recycling, and litter account control funds must be prioritized to support litter pickup using correctional crews, regulatory programs, and technical assistance to local governments.

(6) The department shall make every possible effort through its existing statutory authorities to obtain federal funding for public participation grants regarding the Hanford nuclear reservation and associated properties and facilities. Such federal funding shall not limit the total state funding authorized under this section for public participation grants made pursuant to RCW 70.105D.070(5), but the amount of any individual grant from such federal funding shall be offset against any grant award amount to an individual grantee from state funds under RCW 70.105D.070(5).

(7) The department shall review its water rights application review procedures to simplify the procedures, eliminate unnecessary steps, and decrease the time required to issue decisions. The department shall implement changes to improve water rights processing for which it has current administrative authority. The department shall report on reforms implemented and efficiencies achieved as demonstrated through enhanced permit processing to the appropriate committees of the legislature on December 1, 2011, and October 1, 2012.

(a) The department shall consult with key stakeholders on statutory barriers to efficient water rights processing and effective water management, including identification of obsolete, confusing, or conflicting statutory provisions. The department shall report stakeholder recommendations to appropriate committees of the legislature by December 1, 2011, and October 1, 2012.

(b) \$500,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for processing water right permit applications only if the department of ecology issues at least five hundred water right decisions in fiscal year 2012, and if the department of ecology does not issue at least five hundred water right decisions in fiscal year 2012 the amount provided in this subsection shall lapse and remain unexpended. The department of ecology shall submit a report to the office of financial management and the state treasurer by June 30, 2012, that documents whether five hundred water right decisions were issued in fiscal year 2012. For the purposes of this subsection, applications that are voluntarily withdrawn by an applicant do not count towards the five hundred water right decision requirement. For the purposes of water budget-neutral requests under chapter 173-539A WAC, multiple domestic connections authorized within a single water budget-neutral decision are considered one decision for the purposes of this subsection.

(c) The department shall maintain an ongoing accounting of water right applications received and acted on and shall post that information to the department's internet site.

(8) \$1,075,000 of the general fund--state appropriation for fiscal year 2012 and \$1,075,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for processing the backlog of pending water rights permit applications in the water resources program.

(9) As soon as possible after filing CR-102 proposed draft rule language that establishes standards or criteria for human health based on fish consumption rates under chapter 173-204 WAC, and prior to expending any funds to implement such rules, the department shall present to the appropriate environment and fiscal committees of the legislature technical support document No. 11-09-050. The department must include proposed revised standards or criteria together with the statements, determination and documentation set forth in RCW 34.05.328 including without limitation a cost-benefit analysis, a least burdensome alternative

analysis, an implementation plan and substantial evidence that any difference between the proposed criteria and the national toxics rule is necessary to achieve the general and specific objectives of chapter 90.48 RCW.

(10) To increase the focus on processing of water right applications by reducing certain current workload, the department shall provide the option for a ministerial development schedule extension for any water right permit, previously approved permit extension, or water right change or transfer authorization with a development schedule deadline prior to June 30, 2013. The extensions require payment of the fee under RCW 90.03.470 and will be for one year.

(11) Pursuant to House Bill No. 2304 (low-level waste), the appropriations in this section for the low-level radioactive waste site use permit program are for fiscal year 2012. Appropriations for fiscal year 2013 are contained in section 219 of this act.

(12) \$128,000 of the wood stove education and enforcement account-- state appropriation is provided solely for the implementation of Senate Bill No. 6077 (solid fuel burning devices). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(13) Pursuant to RCW 90.16.090(2), the appropriations in this section from the reclamation account--state appropriation shall be expended for the activities listed in RCW 90.16.090(1), and the expenditures need not be proportional to fee revenue sources.

(14) \$2,000,000 of the state toxics control account--state appropriation is provided solely for the replacement of uncertified solid fuel burning devices and solid fuel burning devices manufactured prior to 1995 for low and middle-income families in air quality nonattainment areas under the federal clean air act (42 U.S.C. Sec. 7401 et seq.). The replacement heating device may include certified solid fuel burning devices, pellet stoves, or a cleaner natural gas or electric home heating device.

(15) \$188,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for the implementation of Second Substitute Senate Bill No. 6406 (state natural resources). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

**Sec. 302.** 2011 2nd sp.s. c 9 s 303 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund--State Appropriation (FY 2012) .....	\$8,955,000
General Fund--State Appropriation (FY 2013) .....	\$8,379,000
General Fund--Federal Appropriation.....	\$5,905,000
Winter Recreation Program Account--State Appropriation .....	
.....	\$1,761,000
ORV and Nonhighway Vehicle Account--State Appropriation .....	
.....	\$224,000
Snowmobile Account--State Appropriation .....	\$4,848,000
Aquatic Lands Enhancement Account--State	
Appropriation .....	(\$363,000)
.....	\$4,363,000
Parks Renewal and Stewardship Account--State	
Appropriation .....	(\$116,087,000)
.....	\$116,649,000
Parks Renewal and Stewardship Account--Private/Local	
Appropriation .....	\$300,000
TOTAL APPROPRIATION .....	(\$146,822,000)
.....	\$151,384,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$8,876,000 of the general fund--state appropriation for fiscal year 2012 ~~(and)~~ \$8,300,000 of the general fund--state appropriation for fiscal year 2013, and \$4,000,000 of the aquatic lands enhancement account--state appropriation are provided solely to operate and maintain state parks as the commission implements a

new fee structure. The goal of this structure is to make the parks system self-supporting. By August 1, 2012, state parks must submit a report to the office of financial management detailing its progress toward this goal and outlining any additional statutory changes needed for successful implementation.

(2) \$79,000 of the general fund--state appropriation for fiscal year 2012 and \$79,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for a grant for the operation of the Northwest avalanche center.

(3) \$53,928,000 of the parks renewal and stewardship account--state appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5622 (state land recreation access). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(4) Prior to closing any state park, the commission must notify all affected local governments and relevant nonprofit organizations of the intended closure and provide an opportunity for the notified local governments and nonprofit organizations to elect to acquire, or enter into, a maintenance and operating contract with the commission that would allow the park to remain open.

(5) \$592,000 of the parks renewal and stewardship account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6387 (parks fiscal matters). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(6) Within the appropriations contained in this section, the commission shall remove trees from Brooks memorial state park that have been killed or damaged by fire in order to ensure the recovery of value from the sale of any timber that is surplus to the needs of the park. The commission shall remove such trees by September 30, 2012, and in a manner consistent with RCW 79A.05.035.

**Sec. 303.** 2011 2nd sp.s. c 9 s 304 (uncodified) is amended to read as follows:

FOR THE RECREATION AND CONSERVATION FUNDING BOARD

General Fund--State Appropriation (FY 2012) .....	(\$954,000)
.....	\$902,000
General Fund--State Appropriation (FY 2013) .....	(\$973,000)
.....	\$845,000
General Fund--Federal Appropriation .....	\$3,299,000
General Fund--Private/Local Appropriation.....	(\$274,000)
.....	\$24,000
Aquatic Lands Enhancement Account--State Appropriation .....	
.....	\$278,000
Vessel Response Account--State Appropriation.....	\$100,000
Firearms Range Account--State Appropriation .....	\$37,000
Recreation Resources Account--State Appropriation .....	(\$2,874,000)
.....	\$2,914,000
NOVA Program Account--State Appropriation .....	\$900,000
TOTAL APPROPRIATION .....	(\$9,689,000)
.....	\$9,299,000

The appropriations in this section are subject to the following conditions and limitations: \$40,000 of the general fund--federal appropriation, \$24,000 of the general fund--private/local appropriation, \$100,000 of the vessel response account--state appropriation, and \$12,000 of the recreation resources account--state appropriation are provided solely for House Bill No. 1413 (invasive species council). If the bill is not enacted by June 30, 2011, the amounts provided in this subsection shall lapse.

**Sec. 304.** 2011 2nd sp.s. c 9 s 305 (uncodified) is amended to read as follows:

FOR THE ENVIRONMENTAL AND LAND USE HEARINGS OFFICE

General Fund--State Appropriation (FY 2012) .....	(\$2,308,000)
.....	\$2,209,000

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General Fund--State Appropriation (FY 2013) .....	(\$2,275,000)
.....	\$2,159,000
TOTAL APPROPRIATION .....	(\$4,583,000)
.....	\$4,368,000

Sec. 305. 2011 2nd sp.s. c 9 s 306 (uncodified) is amended to read as follows:

FOR THE CONSERVATION COMMISSION

General Fund--State Appropriation (FY 2012) .....	(\$6,789,000)
.....	\$6,742,000
General Fund--State Appropriation (FY 2013) .....	(\$6,792,000)
.....	\$6,504,000
General Fund--Federal Appropriation .....	\$1,301,000
TOTAL APPROPRIATION .....	(\$14,882,000)
.....	\$14,547,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The conservation commission, in cooperation with all conservation districts, will seek to minimize conservation district overhead costs. These efforts may include consolidating conservation districts.

(2) \$122,000 of the general fund--federal appropriation is provided solely for Engrossed Substitute House Bill No. 1886 (Ruckelshaus center process). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

Sec. 306. 2011 2nd sp.s. c 9 s 307 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

General Fund--State Appropriation (FY 2012) .....	(\$34,695,000)
.....	\$32,380,000
General Fund--State Appropriation (FY 2013) .....	(\$32,388,000)
.....	\$25,467,000
General Fund--Federal Appropriation .....	(\$105,717,000)
.....	\$105,719,000
General Fund--Private/Local Appropriation.....	(\$57,025,000)
.....	\$57,055,000
ORV and Nonhighway Vehicle Account--State Appropriation.....	
.....	\$391,000
Aquatic Lands Enhancement Account--State	
Appropriation .....	(\$8,230,000)
.....	\$10,718,000
Recreational Fisheries Enhancement--State	
Appropriation .....	(\$3,550,000)
.....	\$2,800,000
Warm Water Game Fish Account--State Appropriation .....	
.....	(\$3,051,000)
.....	\$2,851,000
Eastern Washington Pheasant Enhancement Account--State	
Appropriation .....	\$849,000
Aquatic Invasive Species Enforcement Account--State	
Appropriation .....	\$204,000
Aquatic Invasive Species Prevention Account--State	
Appropriation .....	(\$719,000)
.....	\$852,000
State Wildlife Account--State Appropriation .....	(\$100,424,000)
.....	\$101,434,000
Special Wildlife Account--State Appropriation.....	\$2,384,000
Special Wildlife Account--Federal Appropriation.....	\$500,000
Special Wildlife Account--Private/Local Appropriation .....	\$3,415,000
Wildlife Rehabilitation Account--State Appropriation.....	\$259,000
Regional Fisheries Enhancement Salmonid Recovery	
Account--Federal Appropriation.....	\$5,001,000
Oil Spill Prevention Account--State Appropriation.....	\$887,000
Oyster Reserve Land Account--State Appropriation.....	\$921,000

Hydraulic Project Approval Account--State	
Appropriation .....	\$415,000
Recreation Resources Account--State Appropriation.....	\$4,621,000
TOTAL APPROPRIATION.....	(\$360,610,000)
.....	\$359,123,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$294,000 of the aquatic lands enhancement account--state appropriation is provided solely for the implementation of hatchery reform recommendations defined by the hatchery scientific review group.

(2) \$355,000 of the general fund--state appropriation for fiscal year 2012 and \$355,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the department to continue a pilot project with the Confederated Tribes of the Colville Reservation to develop expanded recreational fishing opportunities on Lake Rufus Woods and its northern shoreline and to conduct joint enforcement of lake fisheries on Lake Rufus Woods and adjoining waters, pursuant to state and tribal intergovernmental agreements developed under the Columbia River water supply program. For the purposes of the pilot project:

(a) A fishing permit issued to a nontribal member by the Colville Tribes shall satisfy the license requirement of RCW 77.32.010 on the waters of Lake Rufus Woods and on the north shore of Lake Rufus Woods;

(b) The Colville Tribes have agreed to provide to holders of its nontribal member fishing permits a means to demonstrate that fish in their possession were lawfully taken in Lake Rufus Woods;

(c) A Colville tribal member identification card shall satisfy the license requirement of RCW 77.32.010 on all waters of Lake Rufus Woods;

(d) The department and the Colville Tribes shall jointly designate fishing areas on the north shore of Lake Rufus Woods for the purposes of enhancing access to the recreational fisheries on the lake; and

(e) The Colville Tribes have agreed to recognize a fishing license issued under RCW 77.32.470 or RCW 77.32.490 as satisfying the nontribal member fishing permit requirements of Colville tribal law on the reservation portion of the waters of Lake Rufus Woods and at designated fishing areas on the north shore of Lake Rufus Woods;

(3) Prior to submitting its 2013-2015 biennial operating and capital budget request related to state fish hatcheries to the office of financial management, the department shall contract with the hatchery scientific review group (HSRG) to review this request. This review shall: (a) Determine if the proposed requests are consistent with HSRG recommendations; (b) prioritize the components of the requests based on their contributions to protecting wild salmonid stocks and meeting the recommendations of the HSRG; and (c) evaluate whether the proposed requests are being made in the most cost effective manner. The department shall provide a copy of the HSRG review to the office of financial management with their agency budget proposal.

(4) \$400,000 of the general fund--state appropriation for fiscal year 2012 and \$400,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for a state match to support the Puget Sound nearshore partnership between the department and the U.S. army corps of engineers.

(5) \$50,000 of the general fund--state appropriation for fiscal year 2012 and \$50,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for removal of derelict gear in Washington waters.

(6) \$100,000 of the eastern Washington pheasant enhancement account--state appropriation is provided solely for the department to support efforts to enhance permanent and temporary pheasant

habitat on public and private lands in Grant, Franklin, and Adams counties. The department may support efforts by entities including conservation districts, nonprofit organizations, and landowners, and must require such entities to provide significant nonstate matching resources, which may be in the form of funds, material, or labor.

(7) Within the amounts appropriated in this section, the department shall identify additional opportunities for partnerships in order to keep fish hatcheries operational. Such partnerships shall aim to maintain fish production and salmon recovery with less reliance on state operating funds.

(8) By September 1, 2011, the department shall update its interagency agreement dated September 30, 2010, with the department of natural resources concerning land management services on the department of fish and wildlife's wildlife conservation and recreation lands. The update shall include rates and terms for services.

(9) Prior to opening game management unit 490 to public hunting, the department shall complete an environmental impact statement that includes an assessment of how public hunting activities will impact the ongoing protection of the public water supply.

(10) \$18,514,000 of the state wildlife account--state appropriation is provided solely for the implementation of Second Substitute Senate Bill No. 5385 (state wildlife account). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(11) \$9,418,000 of the state wildlife account--state appropriation is provided solely for the implementation of Second Substitute Senate Bill No. 5622 (state land recreation access). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(12) \$50,000 of the state wildlife account--state appropriation is provided solely for mitigation, claims, and assessment costs for injury or loss of livestock caused by wolves, black bears, and cougars.

(13) \$552,000 of the aquatic lands enhancement account--state appropriation is provided solely for increased law enforcement capacity to reduce the occurrence of geoduck poaching and illegal harvest activities. The department shall fill current vacant law enforcement positions prior to filling the new positions created under this subsection.

(14) \$56,000 of the state wildlife account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6387 (natural resource fiscal matters). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(15) \$415,000 of the hydraulic project approval--state appropriation is provided solely for the implementation of Second Substitute Senate Bill No. 6406 (state natural resources). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

**Sec. 307.** 2011 2nd sp.s. c 9 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund--State Appropriation (FY 2012) .....	(\$31,324,000)
.....	\$30,956,000
General Fund--State Appropriation (FY 2013) .....	(\$35,791,000)
.....	\$32,594,000
General Fund--Federal Appropriation .....	\$27,919,000
General Fund--Private/Local Appropriation.....	\$2,374,000
Forest Development Account--State Appropriation .....	(\$41,717,000)
.....	\$45,115,000
ORV and Nonhighway Vehicle Account--State Appropriation .....	
.....	\$4,387,000
Surveys and Maps Account--State Appropriation .....	(\$2,346,000)
.....	\$2,124,000
Aquatic Lands Enhancement Account--State	

Appropriation .....	(\$7,224,000)
.....	\$1,224,000
Resources Management Cost Account--State	
Appropriation .....	(\$82,097,000)
.....	\$89,699,000
Surface Mining Reclamation Account--State	
Appropriation .....	(\$3,484,000)
.....	\$3,486,000
Disaster Response Account--State Appropriation .....	\$5,000,000
Forest and Fish Support Account--State Appropriation .....	
.....	(\$7,933,000)
.....	\$10,484,000
Aquatic Land Dredged Material Disposal Site	
Account--State Appropriation.....	\$838,000
Natural Resources Conservation Areas Stewardship	
Account--State Appropriation.....	\$34,000
Marine Resources Stewardship Account--State	
Appropriation .....	\$2,400,000
State Toxics Control Account--State Appropriation.....	\$80,000
Air Pollution Control Account--State Appropriation .....	(\$669,000)
.....	\$540,000
NOVA Program Account--State Appropriation .....	\$639,000
Derelict Vessel Removal Account--State Appropriation.....	\$1,761,000
Agricultural College Trust Management Account--State	
Appropriation .....	\$1,854,000
Forest Practices Application Account--State	
Appropriation .....	\$780,000
TOTAL APPROPRIATION .....	(\$257,471,000)
.....	\$264,288,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$710,000 of the general fund--state appropriation for fiscal year 2012 and \$915,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(2) \$8,030,000 of the general fund--state appropriation for fiscal year 2012, (~~(\$10,037,000)~~) \$8,819,000 of the general fund--state appropriation for fiscal year 2013, \$595,000 of the forest development account--state appropriation, and \$5,000,000 of the disaster response account--state appropriation are provided solely for emergency fire suppression. None of the general fund and disaster response account amounts provided in this subsection may be used to fund agency indirect and administrative expenses. Agency indirect and administrative costs shall be allocated among the agency's remaining accounts and appropriations. The department of natural resources shall submit a quarterly report to the office of financial management and the legislative fiscal committees detailing information on current and planned expenditures from the disaster response account. This work shall be done in coordination with the military department.

(3) (\$4,000,000 of the forest and fish support account--state appropriation is provided solely for adaptive management, monitoring, and participation grants to tribes. If federal funding for this purpose is reinstated, the amount provided in this subsection shall lapse.

(4) \$333,000 of the forest and fish support account--state appropriation is provided solely for adaptive management, monitoring, and participation grants to nongovernmental organizations.) \$4,250,000 of the forest and fish support account--state appropriation is provided solely for outcome-based, performance contracts with tribes to participate in the implementation of the forest practices program. Contracts awarded in fiscal year 2013 may only contain indirect cost set at or below the rate in the contracting tribe's indirect cost agreement with the federal

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government. If federal funding for this purpose is reinstated, the amount provided in this subsection shall lapse.

(4) \$468,000 of the forest and fish support account--state appropriation is provided solely for outcome-based performance contracts with nongovernmental organizations to participate in the implementation of the forest practices program. Contracts awarded in fiscal year 2013 may only contain indirect cost set at or below a rate of eighteen percent.

(5) ~~(\$487,000)~~ \$717,000 of the ~~(general fund)~~ forest and fish support account--state appropriation is provided solely to fund interagency agreements with the department of ecology and the department of fish and wildlife as part of the adaptive management process.

(6) \$1,000,000 of the general fund--federal appropriation and \$1,000,000 of the forest and fish support account--state appropriation are provided solely for continuing scientific studies already underway as part of the adaptive management process. Funds may not be used to initiate new studies unless the department secures new federal funding for the adaptive management process.

(7) The department is authorized to increase the silviculture burning permit fee in the 2011-2013 biennium by up to eighty dollars plus fifty cents per ton for each ton of material burned in excess of one hundred tons.

(8) \$440,000 of the state general fund--state appropriation for fiscal year 2012 and \$440,000 of the state general fund--state appropriation for fiscal year 2013 are provided solely for forest work crews that support correctional camps and are contingent upon continuing operations of Naselle youth camp.

(9) By September 1, 2011, the department shall update its interagency agreement dated September 30, 2010, with the department of fish and wildlife concerning land management services on the department of fish and wildlife's wildlife conservation and recreation lands. The update shall include rates and terms for services.

(10) In partnership with the department of ecology, the departments shall deliver a report to the governor, the appropriate committees of the legislature, and the forest practices board by September 1, 2012, documenting forest practices adaptive management program reforms implemented, or recommended, that streamline existing processes to increase program efficiencies and effectiveness. The departments shall collaborate with interested adaptive management program participants in the development of the report.

(11) \$780,000 of the forest practices application account--state appropriation, \$18,000 of the forest development account--state appropriation, \$22,000 of the resources management cost account--state appropriation, and \$2,000 of the surface mining reclamation account-- state appropriation are provided solely for the implementation of Second Substitute Senate Bill No. 6406 (state natural resources). If the bill is not enacted by June 30, 2012, the amounts provided in this subsection shall lapse.

(12) \$2,400,000 of the marine resources stewardship account--state appropriation is provided solely for the implementation of Second Substitute Senate Bill No. 6263 (marine management planning). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

**Sec. 308.** 2011 2nd sp.s. c 9 s 309 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

General Fund--State Appropriation (FY 2012) .....	(\$15,484,000))
.....	\$12,942,000
General Fund--State Appropriation (FY 2013) .....	(\$14,875,000))
.....	\$12,181,000
General Fund--Federal Appropriation .....	(\$22,940,000))
.....	\$22,897,000

General Fund--Private/Local Appropriation.....	\$190,000
Aquatic Lands Enhancement Account--State	
Appropriation .....	(\$2,553,000))
.....	\$2,548,000
State Toxics Control Account--State Appropriation...	(\$5,118,000))
.....	\$10,132,000
Water Quality Permit Account--State Appropriation .....	\$60,000
Freshwater Aquatic Weeds Account--State Appropriation	\$280,000
TOTAL APPROPRIATION .....	(\$61,500,000))
.....	\$61,230,000

(1) The appropriations in this section are subject to the following conditions and limitations: \$5,308,445 of the general fund--state appropriation for fiscal year 2012 and \$5,302,905 of the general fund-- state appropriation for fiscal year 2013 are provided solely for implementing the food assistance program as defined in RCW 43.23.290.

(2) Pursuant to RCW 43.135.055, the department is authorized to increase the following fees in the 2011-2013 fiscal biennium as necessary to meet the actual costs of conducting business: Fruit and vegetable platform inspections; grain program services; warehouse audits; requested inspections; seed inspections, testing, sampling and certifications; phytosanitary certifications for seed; commission merchants; and sod quality seed tags and tagging. In addition, pursuant to RCW 43.135.055, 17.21.134, and 15.58.240, the department is authorized to establish pesticide license examination fees.

Sec. 309. 2011 2nd sp.s. c 9 s 311 (uncodified) is amended to read as follows:

FOR THE PUGET SOUND PARTNERSHIP

General Fund--State Appropriation (FY 2012) .....	(\$2,399,000))
.....	\$2,278,000
General Fund--State Appropriation (FY 2013) .....	(\$2,424,000))
.....	\$2,280,000
General Fund--Federal Appropriation .....	(\$9,581,000))
.....	\$12,449,000
General Fund--Private/Local Appropriation.....	\$25,000
Aquatic Lands Enhancement Account--State Appropriation .....	\$493,000
State Toxics Control Account--State Appropriation.....	\$665,000
TOTAL APPROPRIATION .....	(\$15,587,000))
.....	\$18,190,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$665,000 of the state toxics control account-- state appropriation is provided solely for activities that contribute to Puget Sound protection and recovery, including provision of independent advice and assessment of the state's oil spill prevention, preparedness, and response programs, including review of existing activities and recommendations for any necessary improvements. The partnership may carry out this function through an existing committee, such as the ecosystem coordination board or the leadership council, or may appoint a special advisory council. Because this is a unique statewide program, the partnership may invite participation from outside the Puget Sound region.

(2) Within the amounts appropriated in this section, the Puget Sound partnership shall facilitate an ongoing monitoring consortium to integrate monitoring efforts for storm water, water quality, watershed health, and other indicators to enhance monitoring efforts in Puget Sound.

(End of part)

**PART IV  
TRANSPORTATION**

**Sec. 401.** 2011 2nd sp.s. c 9 s 401 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING**

General Fund--State Appropriation (FY 2012) .....	\$1,167,000
General Fund--State Appropriation (FY 2013) .....	\$1,307,000
Architects' License Account--State Appropriation .....	\$1,084,000
Professional Engineers' Account--State	
Appropriation .....	\$3,518,000
Real Estate Commission Account--State Appropriation .....	\$9,833,000
Uniform Commercial Code Account--State	
Appropriation .....	\$3,120,000
Real Estate Education Account--State Appropriation .....	\$276,000
Real Estate Appraiser Commission Account--State	
Appropriation .....	\$1,687,000
Business and Professions Account--State	
Appropriation .....	\$15,592,000
Real Estate Research Account--State Appropriation .....	\$622,000
Geologists' Account--State Appropriation .....	\$51,000
Derelict Vessel Removal Account--State Appropriation .....	\$31,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$38,288,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Pursuant to RCW 43.135.055, the department is authorized to increase fees for collection agencies and the camping resorts program. This increase is necessary to support the expenditures authorized in this section, consistent with RCW 43.24.086.

(2) \$8,000 of the business and professions account--state appropriation is provided solely to implement Substitute Senate Bill No. 5574 (collection agencies).

**Sec. 402.** 2011 2nd sp.s. c 9 s 402 (uncodified) is amended to read as follows:

**FOR THE STATE PATROL**

General Fund--State Appropriation (FY 2012) .....	<del>(\$37,352,000)</del>
.....	\$37,332,000
General Fund--State Appropriation (FY 2013) .....	<del>(\$35,108,000)</del>
.....	\$34,082,000
General Fund--Federal Appropriation .....	\$16,081,000
General Fund--Private/Local Appropriation .....	\$3,021,000
Death Investigations Account--State Appropriation .....	\$5,551,000
County Criminal Justice Assistance Account--State	
Appropriation .....	\$3,215,000
Municipal Criminal Justice Assistance Account--State	
Appropriation .....	\$1,290,000
Fire Service Trust Account--State Appropriation .....	\$131,000
Disaster Response Account--State Appropriation .....	\$8,002,000
Fire Service Training Account--State Appropriation .....	\$9,394,000
Aquatic Invasive Species Enforcement Account--State	
Appropriation .....	\$54,000
State Toxics Control Account--State Appropriation .....	\$505,000
Fingerprint Identification Account--State	
Appropriation .....	<del>(\$10,090,000)</del>
.....	\$10,091,000
Vehicle License Fraud Account--State Appropriation .....	<del>(\$339,000)</del>
.....	\$439,000
<b>TOTAL APPROPRIATION .....</b>	<b><del>(\$130,133,000)</del></b>
.....	\$130,188,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$200,000 of the fire service training account--state appropriation is provided solely for two FTEs in the office of the state director of fire protection to exclusively review K-12 construction documents for fire and life safety in accordance with the state building code. It is the intent of this appropriation to provide these services only to those districts that are located in counties without qualified review capabilities.

(2) \$8,000,000 of the disaster response account--state appropriation is provided solely for Washington state fire service resource mobilization costs incurred in response to an emergency or disaster authorized under RCW 43.43.960 and 43.43.964. \$500,000 of this appropriation is available for mobilization to all risk disasters, other than fires, in accordance with these statutes. The state patrol shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on current and planned expenditures from this account. This work shall be done in coordination with the military department.

(3) \$400,000 of the fire service training account--state appropriation is provided solely for the firefighter apprenticeship training program.

(4) In accordance with RCW 43.43.742 the state patrol is authorized to increase the following fees in fiscal year 2012 as necessary to meet the actual costs of conducting business and the appropriation levels in this section: Notary service fee.

(5) \$59,000 of the fingerprint identification account--state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1776 (child care center licensing). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(6) \$6,000 of the fingerprint identification account--state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1494 (vulnerable adult referrals). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(End of part)

**PART V  
EDUCATION**

**Sec. 501.** 2011 2nd sp.s. c 9 s 501 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

General Fund--State Appropriation (FY 2012) .....	<del>(\$25,406,000)</del>
.....	\$25,137,000
General Fund--State Appropriation (FY 2013) .....	<del>(\$22,502,000)</del>
.....	\$15,739,000
General Fund--Federal Appropriation .....	\$77,065,000
General Fund--Private/Local Appropriation .....	\$4,000,000
<b>TOTAL APPROPRIATION .....</b>	<b><del>(\$128,973,000)</del></b>
.....	\$121,941,000

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of ~~(\$16,139,000)~~ \$15,878,000 of the general fund--state appropriation for fiscal year 2012 and ~~(\$13,335,000)~~ \$12,681,000 of the general fund--state appropriation for fiscal year 2013 is for state agency operations.

(a) \$9,775,000 of the general fund--state appropriation for fiscal year 2012 and \$8,532,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the operation and expenses of the office of the superintendent of public instruction.

(i) Within the amounts provided in this subsection (1)(a), the superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award.

(ii) By January 1, 2012, the office of the superintendent of public instruction shall issue a report to the legislature with a timeline and an estimate of costs for implementation of the common core standards. The report must incorporate feedback from an open public forum for recommendations to enhance the standards, particularly in math.

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(iii) Within the amounts provided, and in consultation with the public school employees of Washington and the Washington school counselors' association, the office of the superintendent of public instruction shall develop a model policy that further defines the recommended roles and responsibilities of graduation coaches and identifies best practices for how graduation coaches work in coordination with school counselors and in the context of a comprehensive school guidance and counseling program.

(iv) The office of the superintendent of public instruction shall, no later than August 1, 2011, establish a standard statewide definition of unexcused absence. The definition shall be reported to the ways and means committees of the senate and house of representatives for legislative review in the 2012 legislative session. Beginning no later than January 1, 2012, districts shall report to the office of the superintendent of public instruction, daily student unexcused absence data by school.

(b) \$1,964,000 of the general fund--state appropriation for fiscal year 2012 and \$1,017,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for activities associated with the implementation of new school finance systems required by chapter 236, Laws of 2010 (K-12 education funding) and chapter 548, Laws of 2009 (state's education system), including technical staff, systems reprogramming, and workgroup deliberations, including the quality education council and the data governance working group.

(c) ~~(\$851,000)~~ \$808,000 of the general fund--state appropriation for fiscal year 2012 and ~~(\$851,000)~~ \$766,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities.

(d) ~~(\$1,744,000)~~ \$1,526,000 of the general fund--state appropriation for fiscal year 2012 and ~~(\$1,362,000)~~ \$913,000 of the general fund--state appropriation for fiscal year 2013 are provided solely to the professional educator standards board for the following:

(i) ~~(\$1,050,000)~~ \$832,000 in fiscal year 2012 and ~~(\$1,050,000)~~ \$913,000 in fiscal year 2013 are for the operation and expenses of the Washington professional educator standards board; and

(ii) \$694,000 of the general fund--state appropriation for fiscal year 2012 ~~(and \$312,000 of the general fund--state appropriation for fiscal year 2013 are)~~ is for conditional scholarship loans and mentor stipends provided through the alternative routes to certification program administered by the professional educator standards board, including the pipeline for paraeducators program and the retooling to teach conditional loan programs. Funding within this subsection (1)(d)(ii) is also provided for the recruiting Washington teachers program. Funding reductions in this subsection (1)(d)(ii) in the 2011-2013 fiscal biennium are intended to be one-time.

(e) \$133,000 of the general fund--state appropriation for fiscal year 2012 and \$133,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the implementation of chapter 240, Laws of 2010, including staffing the office of equity and civil rights.

(f) \$50,000 of the general fund--state appropriation for fiscal year 2012 ~~(and \$50,000 of the general fund--state appropriation for fiscal year 2013 are)~~ is provided solely for the ongoing work of the education opportunity gap oversight and accountability committee.

(g) \$45,000 of the general fund--state appropriation for fiscal year 2012 ~~(and \$45,000 of the general fund--state appropriation for fiscal year 2013 are)~~ is provided solely for the implementation of chapter 380, Laws of 2009 (enacting the interstate compact on educational opportunity for military children).

(h) \$159,000 of the general fund--state appropriation for fiscal year 2012 and \$93,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the implementation of chapter 185, Laws of 2011 (bullying prevention), which requires the office of the superintendent of public instruction to convene an ongoing workgroup on school bullying and harassment prevention. Within the amounts provided, \$140,000 is for youth suicide prevention activities.

(i) \$1,227,000 of the general fund--state appropriation for fiscal year 2012 and \$1,227,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for implementing a comprehensive data system to include financial, student, and educator data, including development and maintenance of the comprehensive education data and research system (CEDARS).

(j) \$25,000 of the general fund--state appropriation for fiscal year 2012 ~~(and \$25,000 of the general fund--state appropriation for fiscal year 2013 are)~~ is provided solely for project citizen, a program sponsored by the national conference of state legislatures and the center for civic education to promote participation in government by middle school students.

(k) \$166,000 of the general fund--state appropriation for fiscal year 2012 is provided solely for the implementation of chapter 192, Laws of 2011 (school district insolvency). Funding is provided to develop a clear legal framework and process for dissolution of a school district.

(l) \$128,000 of the general fund--state appropriation for fiscal year 2013 is provided solely pursuant to Substitute House Bill No. 2254 (foster care outcomes). The office of the superintendent of public instruction shall report on the implementation of the state's plan of cross-system collaboration to promote educational stability and improve education outcomes of foster youth. The first report is due December 1, 2012, and annually thereafter through 2015. If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(2) \$9,267,000 of the general fund--state appropriation for fiscal year 2012 and ~~(\$9,167,000)~~ \$2,941,000 of the general fund--state appropriation for fiscal year 2013 are for statewide programs.

#### (a) HEALTH AND SAFETY

(i) \$2,541,000 of the general fund--state appropriation for fiscal year 2012 and \$2,541,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(ii) \$50,000 of the general fund--state appropriation for fiscal year 2012 ~~(and \$50,000 of the general fund--state appropriation for fiscal year 2013 are)~~ is provided solely for a nonviolence and leadership training program provided by the institute for community leadership.

#### (b) TECHNOLOGY

\$1,221,000 of the general fund--state appropriation for fiscal year 2012 ~~(and \$1,221,000 of the general fund--state appropriation for fiscal year 2013 are)~~ is provided solely for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

#### (c) GRANTS AND ALLOCATIONS

(i) \$675,000 of the general fund--state appropriation for fiscal year 2012 ~~(and \$675,000 of the general fund--state appropriation for fiscal year 2013 are)~~ is provided solely for the Washington state achievers scholarship program. The funds shall be used to support community involvement officers that recruit, train, and match

community volunteer mentors with students selected as achievers scholars.

(ii) \$1,000,000 of the general fund--state appropriation for fiscal year 2012 ((and \$1,000,000 of the general fund--state appropriation for fiscal year 2013 are)) is provided solely for contracting with a college scholarship organization with expertise in conducting outreach to students concerning eligibility for the Washington college bound scholarship consistent with chapter 405, Laws of 2007.

(iii) \$2,808,000 of the general fund--state appropriation for fiscal year 2012 ((and \$2,808,000 of the general fund--state appropriation for fiscal year 2013 are)) is provided solely for the dissemination of the navigation 101 curriculum to all districts. The funding shall support electronic student planning tools and software for analyzing the impact of navigation 101 on student performance, as well as grants to a maximum of one hundred school districts each year, based on progress and need for the implementation of the navigation 101 program. The implementation grants shall be awarded to a cross-section of school districts reflecting a balance of geographic and demographic characteristics. Within the amounts provided, the office of the superintendent of public instruction will create a navigation 101 accountability model to analyze the impact of the program.

(iv) \$337,000 of the general fund--state appropriation for fiscal year 2012 ((and \$337,000 of the general fund--state appropriation for fiscal year 2013 are)) is provided solely for implementation of the building bridges statewide program for comprehensive dropout prevention, intervention, and reengagement strategies.

(v) \$135,000 of the general fund--state appropriation for fiscal year 2012 ((and \$135,000 of the general fund--state appropriation for fiscal year 2013 are)) is provided solely for dropout prevention programs at the office of the superintendent of public instruction, including the jobs for America's graduates (JAG) program.

(vi) \$500,000 of the general fund--state appropriation for fiscal year 2012 and \$400,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the implementation of chapter 340, Laws of 2011 (assessment of students in state-funded full-day kindergarten classrooms), including the development and implementation of the Washington kindergarten inventory of developing skills (WaKIDS).

Sec. 502. 2011 2nd sp.s. c 9 s 502 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT	
General Fund--State Appropriation (FY 2012) ...(((\$5,253,769,000))	
.....	\$5,241,233,000
General Fund--State Appropriation (FY 2013) ...(((\$5,205,868,000))	
.....	\$5,162,497,000
General Fund--Federal Appropriation .....	\$22,078,000
TOTAL APPROPRIATION .....	(((\$10,481,715,000))
.....	\$10,425,808,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) For the 2011-12 and 2012-13 school years, the superintendent shall allocate general apportionment funding to school districts as provided in the funding formulas and salary schedules in sections 502 and 503 of this act, excluding (c) of this subsection.

(c) From July 1, 2011 to August 31, 2011, the superintendent shall allocate general apportionment funding to school districts programs as provided in sections 502 and 504, chapter 564, Laws of 2009, as amended through sections 1402 and 1403 of this act.

(d) The appropriations in this section include federal funds provided through section 101 of P.L. No. 111-226 (education jobs fund), which shall be used to support general apportionment program funding. In distributing general apportionment allocations under this section for the 2011-12 school year, the superintendent shall include the additional amount of \$3,078,000 allocated by the United States department of education on September 16, 2011, provided through 101 of P.L. No. 111-226 (education jobs fund) as part of each district's general apportionment allocation.

(e) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the fourth day of school in September and on the first school day of each month October through June, including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. Any school district concluding its basic education program in May must report the enrollment of the last school day held in May in lieu of a June enrollment.

(2) CERTIFICATED INSTRUCTIONAL STAFF ALLOCATIONS

Allocations for certificated instructional staff salaries for the 2011-12 and 2012-13 school years are determined using formula-generated staff units calculated pursuant to this subsection.

(a) Certificated instructional staff units, as defined in RCW 28A.150.410, shall be allocated to reflect the minimum class size allocations, requirements, and school prototypes assumptions as provided in RCW 28A.150.260. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent student enrollment in each grade.

(b) Additional certificated instructional staff units provided in this subsection (2) that exceed the minimum requirements in RCW 28A.150.260 are enhancements outside the program of basic education, except as otherwise provided in this section.

(c)(i) The superintendent shall base allocations for each level of prototypical school on the following regular education average class size of full-time equivalent students per teacher, except as provided in (c)(ii) of this subsection:

General education class size:	
Grade	RCW 28A.150.260
Grades K-3 .....	25.23
Grade 4 .....	27.00
Grades 5-6 .....	27.00
Grades 7-8 .....	28.53
Grades 9-12 .....	28.74

The superintendent shall base allocations for career and technical education (CTE) and skill center programs average class size as provided in RCW 28A.150.260.

(ii) For each level of prototypical school at which more than fifty percent of the students were eligible for free and reduced-price meals in the prior school year, the superintendent shall allocate funding based on the following average class size of full-time equivalent students per teacher:

General education class size in high poverty school:	
Grades K-3 .....	24.10

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Grade 4	.....	27.00
Grades 5-6	.....	27.00
Grades 7-8	.....	28.53
Grades 9-12	.....	28.74

(iii) Pursuant to RCW 28A.150.260(4)(a), the assumed teacher planning period, expressed as a percentage of a teacher work day, is 13.42 percent in grades K-6, and 16.67 percent in grades 7-12; and

(iv) Laboratory science, advanced placement, and international baccalaureate courses are funded at the same class size assumptions as general education schools in the same grade; and

(d)(i) Funding for teacher librarians, school nurses, social workers, school psychologists, and guidance counselors is allocated based on the school prototypes as provided in RCW 28A.150.260 and is considered certificated instructional staff, except as provided in (d)(ii) of this subsection.

(ii) Students in approved career and technical education and skill center programs generate certificated instructional staff units to provide for the services of teacher librarians, school nurses, social workers, school psychologists, and guidance counselors at the following combined rate per 1000 students:

Career and Technical Education students	2.02 per 1000 student FTE's
Skill Center students	2.36 per 1000 student FTE's

(3) ADMINISTRATIVE STAFF ALLOCATIONS

(a) Allocations for school building-level certificated administrative staff salaries for the 2011-12 and 2012-13 school years for general education students are determined using the formula-generated staff units provided in RCW 28A.150.260, and adjusted based on a district's annual average full-time equivalent student enrollment in each grade.

(b) Students in approved career and technical education and skill center programs generate certificated school building-level administrator staff units at per student rates that exceed the general education rate in (a) of this subsection by the following percentages:  
 Career and Technical Education students 2.5 percent  
 Skill Center students 19.75 percent

(4) CLASSIFIED STAFF ALLOCATIONS

Allocations for classified staff units providing school building-level and district-wide support services for the 2011-12 and 2012-13 school years are determined using the formula-generated staff units provided in RCW 28A.150.260, and adjusted based on each district's annual average full-time equivalent student enrollment in each grade.

(5) CENTRAL OFFICE ALLOCATIONS

In addition to classified and administrative staff units allocated in subsections (3) and (4) of this section, classified and administrative staff units are provided for the 2011-12 and 2012-13 school year for the central office administrative costs of operating a school district, at the following rates:

(a) The total central office staff units provided in this subsection (5) are calculated by first multiplying the total number of eligible certificated instructional, certificated administrative, and classified staff units providing school-based or district-wide support services, as identified in RCW 28A.150.260(6)(b), by 5.3 percent.

(b) Of the central office staff units calculated in (a) of this subsection, 74.53 percent are allocated as classified staff units, as generated in subsection (4) of this section, and 25.47 percent shall be allocated as administrative staff units, as generated in subsection (3) of this section.

(c) Staff units generated as enhancements outside the program of basic education to the minimum requirements of RCW

28A.150.260, and staff units generated by skill center and career-technical students, are excluded from the total central office staff units calculation in (a) of this subsection.

(d) For students in approved career-technical and skill center programs, central office classified units are allocated at the same staff unit per student rate as those generated for general education students of the same grade in this subsection (5), and central office administrative staff units are allocated at staff unit per student rates that exceed the general education rate established for students in the same grade in this subsection (5) by 3.69 percent for career and technical education students, and 21.92 percent for skill center students.

(6) FRINGE BENEFIT ALLOCATIONS

Fringe benefit allocations shall be calculated at a rate of 16.33 percent in the 2011-12 school year and ~~((16.33))~~ 16.34 percent in the 2012-13 school year for certificated salary allocations provided under subsections (2), (3), and (5) of this section, and a rate of 18.73 percent in the 2011-12 school year and 18.73 percent in the 2012-13 school year for classified salary allocations provided under subsections (4) and (5) of this section.

(7) INSURANCE BENEFIT ALLOCATIONS

Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504 of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsections (2), (3), and (5) of this section; and

(b) The number of classified staff units determined in subsections (4) and (5) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(8) MATERIALS, SUPPLIES, AND OPERATING COSTS (MSOC) ALLOCATIONS

Funding is allocated per annual average full-time equivalent student for the materials, supplies, and operating costs (MSOC) incurred by school districts, consistent with the requirements of RCW 28A.150.260.

(a) MSOC funding for general education students are allocated at the following per student rates:

MSOC RATES/STUDENT FTE

MSOC Component	2011-12 SCHOOL YEAR	2012-13 SCHOOL YEAR
Technology	\$57.42	<del>((58.17))</del> <u>\$58.29</u>
Utilities and Insurance	\$156.03	<del>((158.05))</del> <u>\$158.36</u>
Curriculum and Textbooks	\$61.65	<del>((62.45))</del> <u>\$62.58</u>
Other Supplies and Library Materials	\$130.89	<del>((132.59))</del> <u>\$132.85</u>
Instructional Professional Development for Certificated and Classified Staff	\$9.53	<del>((9.66))</del> <u>\$9.68</u>
Facilities Maintenance	\$77.30	<del>((78.30))</del> <u>\$78.46</u>
Security and Central Office	\$53.55	<del>((54.25))</del> <u>\$54.35</u>



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allocations consistent with the nonemployee related costs (NERC) allocation formula in place for the 2010-11 school year as provided section 502, chapter 37, Laws of 2010 1st sp. sess. (2010 supplemental budget), adjusted annually for inflation.

(13) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(14) The superintendent may distribute funding for the following programs outside the basic education formula during fiscal years 2012 and 2013 as follows:

(a) \$589,000 of the general fund--state appropriation for fiscal year 2012 and (~~(\$597,000)~~) \$598,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW.

(b) \$436,000 of the general fund--state appropriation for fiscal year 2012 and \$436,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs.

(c) Funding in this section is sufficient to fund adjustments to school districts' allocations resulting from the implementation of the prototypical school funding formula, pursuant to chapter 236, Laws of 2010 (K-12 education funding). The funding in this section is intended to hold school districts harmless in total for funding changes resulting from conversion to the prototypical school formula in the general apportionment program, the learning assistance program, the transitional bilingual program, and the highly capable program, after adjustment for changes in enrollment and other caseload adjustments.

(15) \$208,000 of the general fund--state appropriation for fiscal year 2012 and \$211,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for school district emergencies as certified by the superintendent of public instruction. At the close of the fiscal year the superintendent of public instruction shall report to the office of financial management and the appropriate fiscal committees of the legislature on the allocations provided to districts and the nature of the emergency.

(16) Funding in this section is sufficient to fund a maximum of 1.6 FTE enrollment for skills center students pursuant to chapter 463, Laws of 2007.

(17) (~~Beginning in the 2011-12 school year,~~) Students participating in running start programs may be funded up to a combined maximum enrollment of 1.2 FTE for the 2011-12 school year and 1.0 FTE for the 2012-13 school year including school district and institution of higher education enrollment. In calculating the combined 1.2 or 1.0 FTE, the office of the superintendent of public instruction may ((average the participating student's September through June enrollment to account for differences in the start and end dates for courses provided by the high school and higher education institution)) utilize the average of the student's running start FTE enrollment on nine count dates from the institution of higher education and the average of the student's high school FTE enrollment from September through June, adjusting for any differences in start and end dates provided by the institution of higher education and the high school, provided the

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final per-student FTE does not exceed the 1.2 maximum specified in this section. Additionally, the office of the superintendent of public instruction, in consultation with the state board for community and technical colleges, the higher education coordinating board, and the education data center, shall annually track and report to the fiscal committees of the legislature on the combined FTE experience of students participating in the running start program, including course load analyses at both the high school and community and technical college system.

(18) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (12) of this section, the following apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (12) of this section shall be reduced in increments of twenty percent per year.

(19)(a) Indirect cost charges by a school district to approved career and technical education middle and secondary programs shall not exceed 15 percent of the combined basic education and career and technical education program enhancement allocations of state funds. Middle and secondary career and technical education programs are considered separate programs for funding and financial reporting purposes under this section.

(b) Career and technical education program full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported career and technical education program enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support.

**Sec. 503.** 2011 2nd sp.s. c 9 s 503 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION EMPLOYEE COMPENSATION

(1) The following calculations determine the salaries used in the state allocations for certificated instructional, certificated administrative, and classified staff units as provided in RCW 28A.150.280 and under section 503 of this act:

(a) Salary allocations for certificated instructional staff units are determined for each district by multiplying the district's certificated instructional total base salary shown on LEAP Document 2 by the district's average staff mix factor for certificated instructional staff in that school year, computed using LEAP document 1; and

(b) Salary allocations for certificated administrative staff units and classified staff units for each district are determined based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 2.

(2) For the purposes of this section:

(a) "LEAP Document 1" means the staff mix factors for certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on May 23, 2011, at 16:10 hours; and

(b) "LEAP Document 2" means the school year salary allocations for certificated administrative staff and classified staff and derived and total base salaries for certificated instructional staff as developed by the legislative evaluation and accountability program committee on May 23, 2011, at 16:10 hours.

(3) Incremental fringe benefit factors are applied to salary adjustments at a rate of 15.69 percent for school year 2011-12 and ~~((15.69))~~ 15.70 percent for school year 2012-13 for certificated instructional and certificated administrative staff and 15.23 percent

for school year 2011-12 and 15.23 percent for the 2012-13 school year for classified staff.

(4)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations:

Table Of Total Base Salaries For Certificated Instructional Staff For School Year 2011-12  
\*\*\*Education Experience\*\*\*

Years of Service	MA+90 OR								
	BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	Ph.D.
0	33,401	34,303	35,238	36,175	39,180	41,116	40,045	43,051	44,989
1	33,851	34,765	35,712	36,690	39,727	41,652	40,490	43,527	45,452
2	34,279	35,202	36,159	37,212	40,241	42,186	40,938	43,966	45,912
3	34,720	35,653	36,620	37,706	40,729	42,722	41,363	44,384	46,377
4	35,153	36,127	37,099	38,224	41,264	43,271	41,808	44,849	46,857
5	35,600	36,578	37,561	38,748	41,777	43,824	42,261	45,291	47,339
6	36,060	37,017	38,032	39,279	42,293	44,352	42,725	45,740	47,797
7	36,868	37,839	38,868	40,182	43,241	45,356	43,594	46,652	48,768
8	38,050	39,074	40,127	41,550	44,651	46,844	44,961	48,063	50,254
9		40,353	41,459	42,933	46,106	48,373	46,343	49,518	51,785
10			42,806	44,387	47,602	49,945	47,798	51,014	53,356
11				45,883	49,169	51,558	49,295	52,581	54,969
12				47,332	50,777	53,238	50,850	54,188	56,650
13					52,425	54,959	52,460	55,836	58,370
14					54,081	56,745	54,117	57,600	60,157
15					55,488	58,221	55,523	59,098	61,721
16 or more					56,597	59,385	56,634	60,279	62,955

Table Of Total Base Salaries For Certificated Instructional Staff For School Year 2012-13  
\*\*\*Education Experience\*\*\*

Years of Service	MA+90 OR								
	BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	Ph.D.
0	33,401	34,303	35,238	36,175	39,180	41,116	40,045	43,051	44,989
1	33,851	34,765	35,712	36,690	39,727	41,652	40,490	43,527	45,452

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2	34,279	35,202	36,159	37,212	40,241	42,186	40,938	43,966	45,912
3	34,720	35,653	36,620	37,706	40,729	42,722	41,363	44,384	46,377
4	35,153	36,127	37,099	38,224	41,264	43,271	41,808	44,849	46,857
5	35,600	36,578	37,561	38,748	41,777	43,824	42,261	45,291	47,339
6	36,060	37,017	38,032	39,279	42,293	44,352	42,725	45,740	47,797
7	36,868	37,839	38,868	40,182	43,241	45,356	43,594	46,652	48,768
8	38,050	39,074	40,127	41,550	44,651	46,844	44,961	48,063	50,254
9		40,353	41,459	42,933	46,106	48,373	46,343	49,518	51,785
10			42,806	44,387	47,602	49,945	47,798	51,014	53,356
11				45,883	49,169	51,558	49,295	52,581	54,969
12				47,332	50,777	53,238	50,850	54,188	56,650
13					52,425	54,959	52,460	55,836	58,370
14					54,081	56,745	54,117	57,600	60,157
15					55,488	58,221	55,523	59,098	61,721
16 or more					56,597	59,385	56,634	60,279	62,955

(b) As used in this subsection, the column headings "BA+(N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+(N)" refer to the total of:

(i) Credits earned since receiving the masters degree; and

(ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(5) For the purposes of this section:

(a) "BA" means a baccalaureate degree.

(b) "MA" means a masters degree.

(c) "PHD" means a doctorate degree.

(d) "Years of service" shall be calculated under the same rules adopted by the superintendent of public instruction.

(e) "Credits" means college quarter hour credits and equivalent in-service credits computed in accordance with RCW 28A.415.020 and 28A.415.023.

(6) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this part V, or any replacement schedules and documents, unless:

(a) The employee has a masters degree; or

(b) The credits were used in generating state salary allocations before January 1, 1992.

(7) The salary allocation schedules established in this section are for allocation purposes only except as provided in RCW 28A.400.200(2).

**Sec. 504.** 2011 2nd sp.s. c 9 s 504 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS  
 General Fund--Federal Appropriation .....\$2,000

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) Additional salary adjustments as necessary to fund the base salaries for certificated instructional staff as listed for each district in LEAP Document 2, defined in section 504(2)(b) of this act. Allocations for these salary adjustments shall be provided to all districts that are not grandfathered to receive salary allocations above the statewide salary allocation schedule, and to certain grandfathered districts to the extent necessary to ensure that salary allocations for districts that are currently grandfathered do not fall below the statewide salary allocation schedule.

(b) Additional salary adjustments to certain districts as necessary to fund the per full-time-equivalent salary allocations for certificated administrative staff as listed for each district in LEAP Document 2, defined in section 504(2)(b) of this act.

(c) Additional salary adjustments to certain districts as necessary to fund the per full-time-equivalent salary allocations for classified staff as listed for each district in LEAP Document 2, defined in section 504(2)(b) of this act.

(d) The appropriations in this subsection (1) include associated incremental fringe benefit allocations at 15.69 percent for the 2011-12 school year and ~~((15.69))~~ 15.70 percent for the 2012-13 school year for certificated instructional and certificated administrative staff and 15.23 percent for the 2011-12 school year and 15.23 percent for the 2012-13 school year for classified staff.

(e) The appropriations in this section include the increased or decreased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Changes for general apportionment (basic education) are based on the salary allocation schedules and methodology in sections 503 and 504 of this act. Changes for special education result from changes in each district's basic education allocation per student. Changes for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in sections 503 and 504 of this act.

(f) The appropriations in this section include no salary adjustments for substitute teachers.

(2) The maintenance rate for insurance benefit allocations is \$768.00 per month for the 2011-12 and 2012-13 school years. The appropriations in this section reflect the incremental change in cost of allocating rates of \$768.00 per month for the 2011-12 school year and \$768.00 per month for the 2012-13 school year.

(3) The rates specified in this section are subject to revision each year by the legislature.

**Sec. 505.** 2011 2nd sp.s. c 9 s 505 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION

General Fund--State Appropriation (FY 2012) .....	(\$322,033,000)
.....	\$322,243,000
General Fund--State Appropriation (FY 2013) .....	(\$273,380,000)
.....	\$273,642,000
TOTAL APPROPRIATION .....	(\$595,413,000)
.....	\$595,885,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2011-12 and 2012-13 school years, the superintendent shall allocate funding to school district programs for the transportation of students as provided in RCW 28A.160.192.

(b) From July 1, 2011 to August 31, 2011, the superintendent shall allocate funding to school districts programs for the transportation of students as provided in section 505, chapter 564, Laws of 2009, as amended through section 1404 of this act.

(3) Any amounts appropriated for maintenance level funding for pupil transportation that exceed actual maintenance level expenditures as calculated under the funding formula that takes effect September 1, 2011, shall be distributed to districts according to RCW 28A.160.192(2)(b).

(4) A maximum of \$892,000 of this fiscal year 2012 appropriation and a maximum of \$892,000 of the fiscal year 2013 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(5) The office of the superintendent of public instruction shall provide reimbursement funding to a school district for school bus purchases only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195.

(6) The superintendent of public instruction shall base depreciation payments for school district buses on the pre-sales tax five-year average of lowest bids in the appropriate category of bus. In the final year on the depreciation schedule, the depreciation payment shall be based on the lowest bid in the appropriate bus category for that school year.

(7) Funding levels in this section reflect waivers granted by the state board of education for four-day school weeks as allowed under RCW 28A.305.141.

(8) Starting with the 2012-13 school year, the office of the superintendent of public instruction shall disburse payments for bus depreciation in August.

(9) The office of the superintendent of public instruction shall develop, in consultation with the Washington association of school business officials and Washington association for pupil

transportation, a unit-cost transportation formula or hybrid formula for legislative consideration and potential adoption. The transportation-allocation formula shall take into account statistically significant cost drivers, recognize fixed costs, and simplify the current regression-analysis transportation-allocation method. The formula or hybrid formula developed should be based on currently-collected data identified under RCW 28A.160.192(1)(a). These data are to include basic and special student loads, school district land area, average distance to school, roadway miles, and number of locations served. The office of the superintendent of public instruction shall report to the legislative fiscal committees, the education committees of the senate and the house of representatives, and to the office of financial management, by September 30, 2012, for legislative consideration and possible amendment or adoption of the unit-cost or hybrid formula for the 2013- 14 school year.

**Sec. 506.** 2011 2nd sp.s. c 9 s 507 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 2012) .....	(\$653,904,000)
.....	\$648,369,000
General Fund--State Appropriation (FY 2013) .....	(\$694,237,000)
.....	\$680,439,000
General Fund--Federal Appropriation .....	\$486,936,000
Education Legacy Trust Account--State Appropriation .....	\$756,000
TOTAL APPROPRIATION .....	(\$1,835,833,000)
.....	\$1,816,500,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 502 and 504 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(2)(a) The superintendent of public instruction shall ensure that:

(i) Special education students are basic education students first;

(ii) As a class, special education students are entitled to the full basic education allocation; and

(iii) Special education students are basic education students for the entire school day.

(b) The superintendent of public instruction shall continue to implement the full cost method of excess cost accounting, as designed by the committee and recommended by the superintendent, pursuant to section 501(1)(k), chapter 372, Laws of 2006.

(c) Beginning with the 2010-11 school year award cycle, the office of the superintendent of public instruction shall make award determinations for state safety net funding in August of each school year. Determinations on school district eligibility for state safety net awards shall be based on analysis of actual expenditure data from the current school year.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4)(a) For the 2011-12 and 2012-13 school years, the superintendent shall allocate funding to school district programs for special education students as provided in RCW 28A.150.390.

(b) From July 1, 2011 to August 31, 2011, the superintendent shall allocate funding to school district programs for special education students as provided in section 507, chapter 564, Laws of 2009, as amended through section 1406 of this act.

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(5) The following applies throughout this section: The definitions for enrollment and enrollment percent are as specified in RCW 28A.150.390(3). Each district's general fund--state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 12.7 percent.

(6) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with RCW 28A.150.390(3) (c) and (d), and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(7) \$8,914,000 of the general fund--state appropriation for fiscal year 2012, ~~(\$34,200,000)~~ \$34,805,000 of the general fund--state appropriation for fiscal year 2013, and \$29,574,000 of the general fund--federal appropriation are provided solely for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided in subsection (4) of this section. If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in this subsection (7) in any fiscal year, the superintendent shall expend all available federal discretionary funds necessary to meet this need. At the conclusion of each school year, the superintendent shall recover safety net funds that were distributed prospectively but for which districts were not subsequently eligible.

(a) For the 2011-12 and 2012-13 school years, safety net funds shall be awarded by the state safety net oversight committee as provided in section 109(1) chapter 548, Laws of 2009 (ESHB 2261).

(b) From July 1, 2011 to August 31, 2011, the superintendent shall operate the safety net oversight committee and shall award safety net funds as provided in section 507, chapter 564, Laws of 2009, as amended through section 1406 of this act.

(8) A maximum of \$678,000 may be expended from the general fund-- state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(9) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(10) A school district may carry over from one year to the next year up to 10 percent of the general fund--state funds allocated under this program; however, carryover funds shall be expended in the special education program.

(11) \$251,000 of the general fund--state appropriation for fiscal year 2012 and \$251,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for two additional full-time equivalent staff to support the work of the safety net committee and to provide training and support to districts applying for safety net awards.

(12) \$50,000 of the general fund--state appropriation for fiscal year 2012, \$50,000 of the general fund--state appropriation for fiscal year 2013, and \$100,000 of the general fund--federal appropriation shall be expended to support a special education ombudsman program within the office of superintendent of public instruction.

Sec. 507. 2011 2nd sp.s. c 9 s 508 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS

General Fund--State Appropriation (FY 2012) .....	(\$7,889,000))
.....	\$7,894,000
General Fund--State Appropriation (FY 2013) .....	(\$7,904,000))
.....	\$7,388,000
TOTAL APPROPRIATION .....	(\$15,793,000))
.....	\$15,282,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) Funding within this section is provided for regional professional development related to mathematics and science curriculum and instructional strategies. Funding shall be distributed among the educational service districts in the same proportion as distributions in the 2007-2009 biennium. Each educational service district shall use this funding solely for salary and benefits for a certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support.

(3) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.310.340, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

Sec. 508. 2011 2nd sp.s. c 9 s 509 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE	
General Fund--State Appropriation (FY 2012) .....	(\$300,761,000))
.....	\$300,768,000
General Fund--State Appropriation (FY 2013) .....	(\$299,276,000))
.....	\$298,166,000
General Fund--Federal Appropriation .....	\$4,400,000
TOTAL APPROPRIATION .....	(\$600,037,000))
.....	\$603,334,000

The appropriations in this section are subject to the following conditions and limitations: For purposes of RCW 84.52.0531, the increase per full-time equivalent student is 3 percent from the 2010-11 school year to the 2011-12 school year and 5 percent from the 2011-12 school year to the 2012-13 school year.

Sec. 509. 2011 2nd sp.s. c 9 s 510 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS	
General Fund--State Appropriation (FY 2012) .....	(\$17,507,000))
.....	\$16,694,000
General Fund--State Appropriation (FY 2013) .....	(\$16,969,000))
.....	\$15,867,000
TOTAL APPROPRIATION .....	(\$34,476,000))
.....	\$32,561,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district

expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) ((\$669,000)) \$585,000 of the general fund--state appropriation for fiscal year 2012 and ((\$669,000)) \$549,000 of the general fund-- state appropriation for fiscal year 2013 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, programs for juveniles under the juvenile rehabilitation administration, and programs for juveniles operated by city and county jails.

(6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

Sec. 510. 2011 2nd sp.s. c 9 s 511 (uncodified) is amended to read as follows:

FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund--State Appropriation (FY 2012) .....	(\$8,759,000))
.....	\$8,745,000
General Fund--State Appropriation (FY 2013) .....	(\$8,842,000))
.....	\$8,773,000
TOTAL APPROPRIATION .....	(\$17,601,000))
.....	\$17,518,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2011-12 and 2012-13 school years, the superintendent shall allocate funding to school district programs for highly capable students as provided in RCW 28A.150.260(10)(c). In calculating the allocations, the superintendent shall assume the following: (i) Additional instruction of 2.1590 hours per week per funded highly capable program student; (ii) fifteen highly capable program students per teacher; (iii) 36 instructional weeks per year; (iv) 900 instructional hours per teacher; and (v) the district's average staff mix and compensation rates as provided in sections 503 and 504 of this act.

(b) From July 1, 2011, to August 31, 2011, the superintendent shall allocate funding to school districts programs for highly capable students as provided in section 511, chapter 564, Laws of 2009, as amended through section 1409 of this act.

(3) \$85,000 of the general fund--state appropriation for fiscal year 2012 and \$85,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the centrum program at Fort Worden state park.

Sec. 511. 2011 2nd sp.s. c 9 s 513 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM PROGRAMS

General Fund--State Appropriation (FY 2012) .....	\$58,078,000
General Fund--State Appropriation (FY 2013) .....	(\$98,309,000))
.....	\$72,279,000
General Fund--Federal Appropriation .....	\$219,161,000
General Fund--Private/Local Appropriation.....	\$4,000,000
Education Legacy Trust Account--State Appropriation ..	\$1,598,000

TOTAL APPROPRIATION .....	(\$381,146,000))
.....	\$355,116,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$40,822,000 of the general fund--state appropriation for fiscal year 2012, \$41,613,000 of the general fund--state appropriation for fiscal year 2013, \$1,350,000 of the education legacy trust account--state appropriation, and \$15,868,000 of the general fund-- federal appropriation are provided solely for development and implementation of the Washington state assessment system, including: (a) Development and implementation of retake assessments for high school students who are not successful in one or more content areas and (b) development and implementation of alternative assessments or appeals procedures to implement the certificate of academic achievement. The superintendent of public instruction shall report quarterly on the progress on development and implementation of alternative assessments or appeals procedures. Within these amounts, the superintendent of public instruction shall contract for the early return of 10th grade student assessment results, on or around June 10th of each year. State funding shall be limited to one collection of evidence payment per student, per content-area assessment.

(2) \$356,000 of the general fund--state appropriation for fiscal year 2012 (~~and \$356,000 of the general fund--state appropriation for fiscal year 2013 are~~) is provided solely for the Washington state leadership and assistance for science education reform (LASER) regional partnership activities coordinated at the Pacific science center, including instructional material purchases, teacher and principal professional development, and school and community engagement events.

(3) \$980,000 of the general fund--state appropriation for fiscal year 2012 (~~and \$980,000 of the general fund--state appropriation for fiscal year 2013 are~~) is provided solely for improving technology infrastructure, monitoring and reporting on school district technology development, promoting standards for school district technology, promoting statewide coordination and planning for technology development, and providing regional educational technology support centers, including state support activities, under chapter 28A.650 RCW.

(4) \$3,852,000 of the general fund--state appropriation for fiscal year 2012 and \$2,624,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for continued implementation of chapter 235, Laws of 2010 (education reform) including development of new performance-based evaluation systems for certificated educators.

(5)(a) (~~\$40,681,000~~) \$21,555,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for the following bonuses for teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching in a Washington public school, subject to the following conditions and limitations:

(i) For national board certified teachers, a bonus of (~~\$5,000~~) \$2,500 per teacher in the 2011-12 and 2012-13 school years, adjusted for inflation in each school year in which Initiative 732 cost of living adjustments are provided;

(ii) An additional \$5,000 annual bonus shall be paid to national board certified teachers who teach in either: (A) High schools where at least 50 percent of student headcount enrollment is eligible for federal free or reduced price lunch, (B) middle schools where at least 60 percent of student headcount enrollment is eligible for federal free or reduced price lunch, or (C) elementary schools where at least 70 percent of student headcount enrollment is eligible for federal free or reduced price lunch;

(iii) The superintendent of public instruction shall adopt rules to ensure that national board certified teachers meet the qualifications for bonuses under (a)(ii) of this subsection for less than one full

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school year receive bonuses in a pro-rated manner. Beginning in the 2011-12 school year, all bonuses in (a)(i) and (ii) of this subsection will be paid in July of each school year. Bonuses in (a)(~~(i) and~~) (ii) of this subsection shall be reduced by a factor of 40 percent for first year NBPTS certified teachers, to reflect the portion of the instructional school year they are certified; and

(iv) During the 2011-12 and 2012-13 school years, and within available funds, certificated instructional staff who have met the eligibility requirements and have applied for certification from the national board for professional teaching standards may receive a conditional loan of two thousand dollars or the amount set by the office of the superintendent of public instruction to contribute toward the current assessment fee, not including the initial up-front candidacy payment. The fee shall be an advance on the first annual bonus under RCW 28A.405.415. The conditional loan is provided in addition to compensation received under a district's salary schedule and shall not be included in calculations of a district's average salary and associated salary limitation under RCW 28A.400.200. Recipients who fail to receive certification after three years are required to repay the conditional loan. The office of the superintendent of public instruction shall adopt rules to define the terms for initial grant of the assessment fee and repayment, including applicable fees. To the extent necessary, the superintendent may use revenues from the repayment of conditional loan scholarships to ensure payment of all national board bonus payments required by this section in each school year.

(6) \$477,000 of the general fund--state appropriation for fiscal year 2012 (~~(and \$477,000 of the general fund--state appropriation for fiscal year 2013 are)~~) is provided solely for the leadership internship program for superintendents, principals, and program administrators.

(7) \$950,000 of the general fund--state appropriation for fiscal year 2012 (~~(and \$950,000 of the general fund--state appropriation for fiscal year 2013 are)~~) is provided solely for the Washington reading corps. The superintendent shall allocate reading corps members to low- performing schools and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs.

(8) \$810,000 of the general fund--state appropriation for fiscal year 2012 (~~(and \$810,000 of the general fund--state appropriation for fiscal year 2013 are)~~) is provided solely for the development of a leadership academy for school principals and administrators. The superintendent of public instruction shall contract with an independent organization to design, field test, and implement a state-of-the-art education leadership academy that will be accessible throughout the state. Initial development of the content of the academy activities shall be supported by private funds. Semiannually the independent organization shall report on amounts committed by foundations and others to support the development and implementation of this program. Leadership academy partners shall include the state level organizations for school administrators and principals, the superintendent of public instruction, the professional educator standards board, and others as the independent organization shall identify.

(9) \$3,234,000 of the general fund--state appropriation for fiscal year 2012 (~~(and \$3,234,000 of the general fund--state appropriation for fiscal year 2013 are)~~) is provided solely for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible.

(10) \$1,500,000 of the general fund--state appropriation for fiscal year 2012 (~~(and \$1,500,000 of the general fund--state appropriation for fiscal year 2013 are)~~) is provided solely for the implementation of chapter 288, Laws of 2011 (actual student success program), including allocations to the opportunity internship program, the jobs for America's graduates program, the building bridges program, services provided by a college scholarship organization. Funding shall not be used in the 2011-2013 fiscal biennium to provide awards for schools and school districts.

(11) \$859,000 of the general fund--state appropriation for fiscal year 2012, (~~(\$846,000)~~) \$720,000 of the general fund--state appropriation for fiscal year 2013, and \$248,000 of the education legacy trust account--state appropriation are for administrative support of education reform programs.

(12) \$2,000,000 of the general fund--state appropriation for fiscal year 2012 (~~(and \$2,000,000 of the general fund--state appropriation for fiscal year 2013 are)~~) is provided solely for a statewide information technology (IT) academy program. This public-private partnership will provide educational software, as well as IT certification and software training opportunities for students and staff in public schools.

(13) \$977,000 of the general fund--state appropriation for fiscal year 2012 (~~(and \$977,000 of the general fund--state appropriation for fiscal year 2013 are)~~) is provided solely for secondary career and technical education grants pursuant to chapter 170, Laws of 2008. If equally matched by private donations, \$300,000 of the 2012 appropriation and \$300,000 of the 2013 appropriation shall be used to support FIRST robotics programs.

(14) \$125,000 of the general fund--state appropriation for fiscal year 2012 (~~(and \$125,000 of the general fund--state appropriation for fiscal year 2013 are)~~) is provided solely for (a) staff at the office of the superintendent of public instruction to coordinate and promote efforts to develop integrated math, science, technology, and engineering programs in schools and districts across the state; and (b) grants of \$2,500 to provide twenty middle and high school teachers each year with professional development training for implementing integrated math, science, technology, and engineering programs in their schools.

(15) \$135,000 of the general fund--state appropriation for fiscal year 2012 (~~(and \$135,000 of the general fund--state appropriation for fiscal year 2013 are)~~) is provided solely for science, technology, engineering and mathematics lighthouse projects(~~(consistent with chapter 238, Laws of 2010)~~).

(16) \$1,000,000 of the general fund--state appropriation for fiscal year 2012 (~~(and \$1,000,000 of the general fund--state appropriation for fiscal year 2013 are)~~) is provided solely for a beginning educator support program. School districts and/or regional consortia may apply for grant funding. The superintendent shall implement this program in 5 to 15 school districts and/or regional consortia. The program provided by a district and/or regional consortia shall include: A paid orientation; assignment of a qualified mentor; development of a professional growth plan for each beginning teacher aligned with professional certification; release time for mentors and new teachers to work together; and teacher observation time with accomplished peers. \$250,000 may be used to provide statewide professional development opportunities for mentors and beginning educators.

(17) \$5,767,000 of the general fund--state appropriation for fiscal year 2013 is provided solely pursuant to Engrossed Substitute Senate Bill No. 5895 (certificated employee evaluations). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

**Sec. 512.** 2011 2nd sp.s. c 9 s 514 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund--State Appropriation (FY 2012) .....	(\$79,496,000))
.....	\$79,575,000
General Fund--State Appropriation (FY 2013) .....	(\$82,856,000))
.....	\$80,666,000
General Fund--Federal Appropriation .....	\$71,001,000
TOTAL APPROPRIATION .....	(\$233,353,000))
.....	\$231,242,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2011-12 and 2012-13 school years, the superintendent shall allocate funding to school districts for transitional bilingual programs as provided in RCW 28A.150.260(10)(b). In calculating the allocations, the superintendent shall assume the following averages: (i) Additional instruction of 4.7780 hours per week per transitional bilingual program student; (ii) fifteen transitional bilingual program students per teacher; (iii) 36 instructional weeks per year; (iv) 900 instructional hours per teacher; and (v) the district's average staff mix and compensation rates as provided in sections 503 and 504 of this act.

(b) From July 1, 2011, to August 31, 2011, the superintendent shall allocate funding to school districts for transitional bilingual instruction programs as provided in section 514, chapter 564, Laws of 2009, as amended through section 1411 of this act.

(c) The allocations in this section reflect the implementation of a new funding formula for the transitional bilingual instructional program, effective September 1, 2011, as specified in RCW 28A.150.260(10)(b).

(3) The superintendent may withhold allocations to school districts in subsection (2) of this section solely for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2) up to the following amounts: 2.79 percent for school year 2011-12 and ~~((2.09))~~ 2.11 percent for school year 2012-13.

(4) The general fund--federal appropriation in this section is for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

(5)(a) The office of the superintendent of public instruction shall implement a funding model for the transitional bilingual program, beginning in school year 2012-13, that is scaled to provide more support to students requiring most intensive intervention, (students with beginning levels of English language proficiency) and less support to students requiring less intervention. The funding model shall also provide up to two years of ~~((bonus))~~ additional funding upon successful exit from the bilingual program to facilitate successful transition to a standard program of education, except for students that successfully exit the bilingual program prior to grade two. This additional funding shall begin in school year 2013-14 with students achieving proficiency in school year 2012-13 and transitioning to a standard program of education for school year 2013-14. The amount of the additional funding shall be established in the biennial omnibus budget.

(b) It is expected that per-pupil funding for all students served in kindergarten and grade one will be the same as would have been necessary to maintain the statewide average prior to establishing differential per-pupil amounts. For all other students served in the program, it is expected that level 2 proficiency will be set at ~~((the same))~~ a level ~~((as would have been provided))~~ that represents the median funding level necessary to maintain the statewide average prior to establishing differential per-pupil amounts; ~~((level 1 will be~~

~~125 percent of level 2; level 3 through the level prior to exit will be 75 percent of level 2; and two bonus years upon successful demonstration of proficiency will be 100 percent of level 2))~~ levels 1 and 3 shall be set such that level 1 is substantially greater than level 2, and level 3 is substantially less; each of the two years of additional per-pupil funding is expected to be equivalent to level 2. Total funding in aggregate for all levels for the 2012-13 school year is equivalent to what total funding in aggregate would have been prior to the application of differential per-pupil amounts. For school year 2012-13 when funds are not yet distributed for proficient students exiting the program, auxiliary funds shall be provided in a similarly differential distribution, such that total program allocations are not less than what total program allocations would have been prior to establishing differential per-pupil amounts. Prior to implementing in school year 2012-13, the office of the superintendent of public instruction shall provide to the senate and house of representatives ways and means committees recommended rates based on the results of proficiency test procurement, expressed as both per- pupil rates and hours of instruction as provided in RCW 28A.150.260(10)(b).

(c) Each bilingual student shall be tested for proficiency level and, therefore, eligibility for the transitional bilingual program each year. The ~~((bonus))~~ additional payments for up to two school years following successful exit from the transitional bilingual program, for students in grades two through twelve, shall be allocated to the ~~((exiting))~~ school district in which the student is enrolled. If the student graduates or ~~((transfers to another district prior to the district receiving both years' bonuses))~~ or otherwise leaves the system, the district shall receive the ~~((bonus))~~ additional payments for only the length of time the student remains enrolled in the ~~((exiting))~~ district.

(d) ((The quality education council shall examine the revised funding model developed under this subsection and provide a report to the education and fiscal committees of the legislature by December 1, 2011, that includes recommendations for:

(i) Changing the prototypical school funding formula for the transitional bilingual program to align with the revised model in an accurate and transparent manner;

(ii) Reconciling the revised model with statutory requirements for categorical funding of the transitional bilingual instructional program that is restricted to students eligible for and enrolled in that program;

(iii) Clarifying the elements of the transitional bilingual instructional program that fall under the definition of basic education and the impact of the revised model on them; and

(iv) The extent that the disparate financial impact of the revised model on different school districts should be addressed and options for addressing it.

(e)) The office of the superintendent of public instruction shall report to the senate and house of representatives ways and means committees and education committees annually by December 31st of each year, through 2018, regarding any measurable changes in proficiency, time-in-program, and transition experience.

(6) \$35,000 of the general fund--state appropriation for fiscal year 2012 and \$35,000 of the general fund--state appropriation for fiscal year 2013 are provided solely to track current and former transitional bilingual program students.

**Sec. 513.** 2011 2nd sp.s. c 9 s 515 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2012) .....	(\$102,470,000))
.....	\$102,619,000
General Fund--State Appropriation (FY 2013) .....	(\$103,666,000))
.....	\$104,789,000
General Fund--Federal Appropriation.....	\$492,207,000

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Education Legacy Trust Account--State Appropriation \$47,980,000  
 TOTAL APPROPRIATION .....(((\$746,323,000))  
 .....\$747,595,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund--state appropriations in this section are subject to the following conditions and limitations:

(a) The appropriations include such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b)(i) For the 2011-12 and 2012-13 school years, the superintendent shall allocate funding to school districts for learning assistance programs as provided in RCW 28A.150.260(10)(a). In calculating the allocations, the superintendent shall assume the following averages: (A) Additional instruction of 1.51560 hours per week per funded learning assistance program student; (B) fifteen learning assistance program students per teacher; (C) 36 instructional weeks per year; (D) 900 instructional hours per teacher; and (E) the district's average staff mix and compensation rates as provided in sections 503 and 504 of this act.

(ii) From July 1, 2011, to August 31, 2011, the superintendent shall allocate funding to school districts for learning assistance programs as provided in section 515, chapter 564, Laws of 2009, as amended through section 1412 of this act.

(c) A school district's funded students for the learning assistance program shall be the sum of the district's full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch in the prior school year.

(2) Allocations made pursuant to subsection (1) of this section shall be adjusted to reflect ineligible applications identified through the annual income verification process required by the national school lunch program, as recommended in the report of the state auditor on the learning assistance program dated February, 2010.

(3) The general fund--federal appropriation in this section is provided for Title I Part A allocations of the no child left behind act of 2001.

(4) A school district may carry over from one year to the next up to 10 percent of the general fund-state or education legacy trust funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(5) The office of the superintendent of public instruction shall research and recommend options for an adjustment factor for middle school and high school free and reduced price lunch eligibility reporting rates pursuant to RCW 28A.150.260(12)(a), and submit a report to the fiscal committees of the legislature by June 1, 2012. For the 2011-12 and 2012-13 school years, the adjustment factor is 1.0.

**Sec. 514.** 2011 1st sp.s. c 50 s 516 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

(1) Amounts distributed to districts by the superintendent through part V of this act are for allocations purposes only and do not entitle a particular district, district employee, or student to a specific service, beyond what has been expressly provided in statute. Part V of this act restates the requirements of various sections of Title 28A RCW. If any conflict exists, the provisions of Title 28A RCW control unless this act explicitly states that it is providing an enhancement. Any amounts provided in part V of this act in excess of the amounts required by Title 28A RCW provided in statute, are not within the program of basic education.

(2) To the maximum extent practicable, when adopting new or revised rules or policies relating to the administration of allocations in part V of this act that result in fiscal impact, the office of the

superintendent of public instruction shall attempt to seek legislative approval through the budget request process.

(3) Appropriations made in this act to the office of the superintendent of public instruction shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in subsection (4) of this section.

(4) The appropriations to the office of the superintendent of public instruction in this act shall be expended for the programs and amounts specified in this act. However, after May 1, 2012, unless specifically prohibited by this act and after approval by the director of financial management, the superintendent of public instruction may transfer state general fund appropriations for fiscal year 2012 among the following programs to meet the apportionment schedule for a specified formula in another of these programs: General apportionment; employee compensation adjustments; pupil transportation; special education programs; institutional education programs; transitional bilingual programs; and learning assistance programs.

(5) The director of financial management shall notify the appropriate legislative fiscal committees in writing prior to approving any allotment modifications or transfers under this section.

(End of part)

**PART VI  
HIGHER EDUCATION**

**Sec. 601.** 2011 2nd sp.s. c 9 s 601 (uncodified) is amended to read as follows:

**FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

General Fund--State Appropriation (FY 2012) .....(((\$533,009,000))  
.....\$532,975,000

General Fund--State Appropriation (FY 2013) .....(((\$525,644,000))  
.....\$512,491,000

Community/Technical College Capital Projects  
Account--State Appropriation..... \$8,037,000

Education Legacy Trust Account--State Appropriation \$95,370,000  
TOTAL APPROPRIATION .....(((\$1,162,060,000))

.....\$1,148,873,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$28,761,000 of the general fund--state appropriation for fiscal year 2012 and \$28,761,000 of the general fund--state appropriation for fiscal year 2013 are provided solely as special funds for training and related support services, including financial aid, as specified in RCW 28C.04.390. Funding is provided to support at least 6,200 full-time equivalent students in fiscal year 2012 and at least 6,200 full-time equivalent students in fiscal year 2013.

(2) \$2,725,000 of the general fund--state appropriation for fiscal year 2012 and \$2,725,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for administration and customized training contracts through the job skills program. The state board shall make an annual report by January 1st of each year to the governor and to the appropriate policy and fiscal committees of the legislature regarding implementation of this section, listing the scope of grant awards, the distribution of funds by educational sector and region of the state, and the results of the partnerships supported by these funds.

(3) \$4,500,000 of the general fund--state appropriation for fiscal year 2012 and \$4,500,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for worker retraining.

(4) Of the amounts appropriated in this section, \$5,000,000 is provided solely for the student achievement initiative.

(5) When implementing the appropriations in this section, the state board and the trustees of the individual community and technical colleges shall minimize impact on academic programs, maximize reductions in administration, and shall at least maintain, and endeavor to increase, enrollment opportunities and degree and certificate production in high employer-demand fields of study at their academic year 2008-09 levels.

(6) Community and technical colleges are not required to send mass mailings of course catalogs to residents of their districts. Community and technical colleges shall consider lower cost alternatives, such as mailing postcards or brochures that direct individuals to online information and other ways of acquiring print catalogs.

(7) Bellevue college is authorized to offer applied baccalaureate degrees in information technology, health care services and management, biotechnology, and preprofessional preparation for medical fields. These degrees shall be directed at high school graduates and transfer- oriented degree and professional and technical degree holders. In fiscal year 2012, Bellevue college will develop a two-year plan for offering these new degrees. The plan will assume funding for these new degrees shall come through redistribution of its current per full-time enrollment funding. The plan shall be delivered to the legislature by June 30, 2012.

(8) The Seattle community college district is authorized to offer applied baccalaureate degree programs in business/international business and technology management, interactive and artistic digital media, sustainability, building science technology, and allied and global health. These degrees shall be directed at high school graduates and professional and technical degree holders. In fiscal year 2012, Seattle community colleges shall develop a two-year plan for offering these new degrees. The plan will assume that funding for these new degrees comes through redistribution of its current per full- time enrollment funding. The plan shall be delivered to the legislature by June 30, 2012.

**Sec. 602.** 2011 2nd sp.s. c 9 s 602 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

General Fund--State Appropriation (FY 2012) .....	(\$201,388,000))
.....	\$200,943,000
General Fund--State Appropriation (FY 2013) .....	(\$206,358,000))
.....	\$193,444,000
Education Legacy Trust Account--State Appropriation	\$18,579,000
Economic Development Strategic Reserve Account--	
State Appropriation .....	\$1,500,000
State Toxics Control Account--State Appropriation.....	\$5,000,000
Biotoxin Account--State Appropriation.....	\$450,000
Accident Account--State Appropriation .....	\$6,699,000
Medical Aid Account--State Appropriation .....	\$6,502,000
TOTAL APPROPRIATION .....	(\$439,976,000))
.....	\$433,117,000

The appropriations in this section are subject to the following conditions and limitations:

(1) In implementing the appropriations in this section, the president and regents shall seek to minimize impacts on student services and instructional programs by maximizing reductions in administration and other noninstructional activities.

(2) \$150,000 of the general fund--state appropriation for fiscal year 2012 and \$150,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the development of integrated medical curriculum for the Washington/Wyoming/Alaska/Montana/Idaho (WWAMI) medical education program in Spokane and eastern Washington. Funding is contingent on appropriations being provided to Washington State

University for WWAMI program expansion in Spokane and eastern Washington.

(3) \$52,000 of the general fund--state appropriation for fiscal year 2012 and \$52,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the center for international trade in forest products in the college of forest resources.

(4) \$88,000 of the general fund--state appropriation for fiscal year 2012 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5485 (state's natural resources). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(5) \$143,000 of the general fund--state appropriation for fiscal year 2012 and \$144,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the ongoing management of the Washington park arboretum.

(6) \$3,800,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for an expansion in engineering enrollments.

(7) \$1,500,000 of the economic development strategic reserve account--state appropriation is provided solely to implement Substitute Senate Bill No. 5982 (aerospace technology center). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(8) \$242,000 of the general fund--state appropriation for fiscal year 2013 is provided solely to implement Second Substitute Senate Bill No. 6406 (state's natural resources). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

**Sec. 603.** 2011 2nd sp.s. c 9 s 603 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

General Fund--State Appropriation (FY 2012) .....	(\$134,512,000))
.....	\$133,994,000
General Fund--State Appropriation (FY 2013) .....	(\$136,087,000))
.....	\$126,313,000
Education Legacy Trust Account--State Appropriation	\$33,065,000
State Toxics Control Account--State Appropriation.....	\$5,000,000
TOTAL APPROPRIATION .....	(\$303,664,000))
.....	\$298,372,000

The appropriations in this section are subject to the following conditions and limitations:

(1) In implementing the appropriations in this section, the president and regents shall seek to minimize impacts on student services and instructional programs by maximizing reductions in administration and other noninstructional activities.

(2) Within available funds, Washington State University shall serve an additional cohort of fifteen full-time equivalent students in the mechanical engineering program located at Olympic College.

(3) \$300,000 of the general fund--state appropriation for fiscal year 2012 and \$300,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the expansion of health sciences capacity through the Washington/Wyoming/Alaska/Montana/Idaho (WWAMI) medical education program in Spokane and eastern Washington. Funding is contingent on appropriations being provided to the University of Washington for integrated medical curriculum development for WWAMI.

(4) \$3,800,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for an expansion in engineering enrollments.

(5) \$25,000 of the general fund--state appropriation for fiscal year 2012 and \$50,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the Washington State University extension energy program to conduct a study of densified biomass as a renewable fuel used for heating homes, businesses, and other facilities. A report of the findings shall be submitted to the

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governor and the appropriate committees of the legislature by December 1, 2012.

Sec. 604. 2011 2nd sp.s. c 9 s 604 (uncodified) is amended to read as follows:

**FOR EASTERN WASHINGTON UNIVERSITY**

General Fund--State Appropriation (FY 2012) .....	(\$26,257,000)
.....	\$26,255,000
General Fund--State Appropriation (FY 2013) .....	(\$26,541,000)
.....	\$25,774,000
Education Legacy Trust Account--State Appropriation	\$16,087,000
<b>TOTAL APPROPRIATION .....</b>	<b>(\$68,885,000)</b>
.....	\$68,116,000

The appropriations in this section are subject to the following conditions and limitations:

(1) In implementing the appropriations in this section, the president and governing board shall seek to minimize impacts on student services and instructional programs by maximizing reductions in administration and other noninstructional activities.

(2) At least \$200,000 of the general fund--state appropriation for fiscal year 2012 and at least \$200,000 of the general fund--state appropriation for fiscal year 2013 shall be expended on the Northwest autism center.

Sec. 605. 2011 2nd sp.s. c 9 s 605 (uncodified) is amended to read as follows:

**FOR CENTRAL WASHINGTON UNIVERSITY**

General Fund--State Appropriation (FY 2012) .....	(\$22,468,000)
.....	\$23,277,000
General Fund--State Appropriation (FY 2013) .....	(\$22,525,000)
.....	\$22,611,000
Education Legacy Trust Account--State Appropriation	\$19,076,000
<b>TOTAL APPROPRIATION .....</b>	<b>(\$64,069,000)</b>
.....	\$64,964,000

The appropriations in this section are subject to the following conditions and limitations: In implementing the appropriations in this section, the president and governing board shall seek to minimize impacts on student services and instructional programs by maximizing reductions in administration and other noninstructional activities.

Sec. 606. 2011 2nd sp.s. c 9 s 606 (uncodified) is amended to read as follows:

**FOR THE EVERGREEN STATE COLLEGE**

General Fund--State Appropriation (FY 2012) .....	(\$15,595,000)
.....	\$15,594,000
General Fund--State Appropriation (FY 2013) .....	(\$15,339,000)
.....	\$15,022,000
Education Legacy Trust Account--State Appropriation	..\$5,450,000
<b>TOTAL APPROPRIATION .....</b>	<b>(\$36,384,000)</b>
.....	\$36,066,000

The appropriations in this section are subject to the following conditions and limitations:

(1) In implementing the appropriations in this section, the president and governing board shall seek to minimize impacts on student services and instructional programs by maximizing reductions in administration and other noninstructional activities.

(2) \$50,000 of the general fund--state appropriation for fiscal year 2012 and \$25,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the Washington state institute for public policy to conduct a detailed study of the commitment of sexually violent predators to the special commitment center pursuant to chapter 71.09 RCW and the subsequent release of those persons to less-restrictive alternatives.

(a) Specifically, the institute's study shall examine:

(i) The projected future demand for the special commitment center, including profiles and characteristics of persons referred and committed to the special commitment center since its inception,

whether the profiles of those persons have changed over time, and, given current trends, the likelihood of the continuing rate of referral;

(ii) Residents' participation in treatment over time and the impact of treatment on eventual release to a less-restrictive alternative;

(iii) The annual review process and the process for a committed person to petition for conditional or unconditional release, specifically:

(A) The time frames for conducting mandatory reviews;

(B) The role of the special commitment center clinical team;

(C) Options and standards utilized by other jurisdictions or similar processes to conduct periodic reviews, including specialized courts, parole boards, independent review boards, and other commitment proceedings;

(iv) The capacity and future demand for appropriate less restrictive alternatives for moving residents out of the special commitment center, including:

(A) The capacity and demand for secure community transition facilities;

(B) Options for specialized populations such as the elderly or those with developmental disabilities and whether more cost-efficient options might be used to house those populations while keeping the public safe;

(C) Prospects for moving residents to noninstitutionalized settings beyond a secure community transition facility.

(b) The department of social and health services shall cooperate with the institute in conducting its examination and must provide the institute with requested data and records in a timely manner.

(c) The institute shall provide a status report to the governor and the legislature no later than November 1, 2011, with a final report due no later than November 1, 2012.

(3) \$50,000 of the general fund--state appropriation for fiscal year 2012 and \$50,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the institute for public policy to provide research support to the council on quality education.

(4) To the extent federal or private funding is available for this purpose, the Washington state institute for public policy and the center for reinventing public education at the University of Washington shall examine the relationship between participation in pension systems and teacher quality and mobility patterns in the state. The department of retirement systems shall facilitate researchers' access to necessary individual-level data necessary to effectively conduct the study. The researchers shall ensure that no individually identifiable information will be disclosed at any time. An interim report on project findings shall be completed by November 15, 2010, and a final report shall be submitted to the governor and to the relevant committees of the legislature by October 15, 2011.

(5) Funding provided in this section is sufficient for The Evergreen State College to continue operations of the Longhouse Center and the Northwest Indian applied research institute.

(6) If, and to the extent that private funding is available for this purpose, the Washington state institute for public policy shall study and report on the child welfare and educational characteristics and outcomes for foster youth who are served by educational advocates. The department of social and health services and the office of the superintendent of public instruction shall facilitate researchers' access to data necessary to effectively complete the study. The institute shall submit an interim report with baseline characteristics of youth served by educational advocates by December 2011 and a final report by October 31, 2012, to the governor and to the appropriate committees of the legislature.

(7) \$75,000 of the general fund--state appropriation for fiscal year 2012 is provided to the Washington state institute for public policy (WSIPP) to conduct a review of state investments in the

family caregiver and support program. Funding for this program is provided by assumed savings from diverting seniors from entering into long-term care medicaid placements by supporting informal caregivers. WSIPP shall work with the department of social and health services to establish and review outcome data for this investment. A preliminary report on the outcomes of the investment into this program is due to the appropriate legislative committees by December 15, 2011, and a final report is due to the appropriate legislative committees by August 30, 2012.

(8) \$17,000 of the general fund--state appropriation for fiscal year 2013 are provided solely to implement Substitute Senate Bill No. 6492 (competency to stand trial). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

**Sec. 607.** 2011 2nd sp.s. c 9 s 607 (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2012) .....	(\$33,754,000)
.....	\$33,664,000
General Fund--State Appropriation (FY 2013) .....	(\$33,743,000)
.....	\$32,104,000
Education Legacy Trust Account--State Appropriation	\$13,266,000
TOTAL APPROPRIATION .....	(\$80,763,000)
.....	\$79,034,000

The appropriations in this section are subject to the following conditions and limitations: In implementing the appropriations in this section, the president and governing board shall seek to minimize impacts on student services and instructional programs by maximizing reductions in administration and other noninstructional activities.

**NEW SECTION. Sec. 608. COUNCIL FOR HIGHER EDUCATION**

2011 2nd sp.s. c 9 s 610 (uncodified) and 2011 1st sp.s. c 50 s 614 (uncodified) are repealed.

**NEW SECTION. Sec. 609. OFFICE OF STUDENT FINANCIAL ASSISTANCE**

2011 2nd sp.s. c 9 s 611 (uncodified) and 2011 1st sp.s. c 50 s 615 (uncodified) are repealed.

**NEW SECTION. Sec. 610. A new section is added to 2011 1st sp.s. c 50 (uncodified) to read as follows:**

**FOR THE OFFICE OF THE STUDENT ACHIEVEMENT COUNCIL--POLICY COORDINATION AND ADMINISTRATION**

General Fund--State Appropriation (FY 2013) .....	\$4,973,000
General Fund--Federal Appropriation .....	\$2,377,000
TOTAL APPROPRIATION .....	\$7,350,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The office of the student achievement council is authorized to increase or establish fees for initial degree authorization, degree authorization renewal, degree authorization reapplication, new program applications, and new site applications pursuant to RCW 28B.85.060.

(2) \$1,043,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 6232 (higher education coordination). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 611. A new section is added to 2011 1st sp.s. c 50 (uncodified) to read as follows:**

**FOR THE OFFICE OF THE STUDENT ACHIEVEMENT COUNCIL--OFFICE OF STUDENT FINANCIAL ASSISTANCE**

General Fund--State Appropriation (FY 2013) .....	\$245,489,000
General Fund--Federal Appropriation .....	\$5,816,000
Washington Opportunity Pathways Account--State Appropriation .....	\$73,500,000
TOTAL APPROPRIATION .....	\$324,805,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$237,018,000 of the general fund--state appropriation for fiscal year 2013, and \$73,500,000 of the opportunity pathways account-- state appropriation are provided solely for student financial aid payments under the state need grant and the state work study programs including up to a four percent administrative allowance for the state work study program.

(2) Within the funds appropriated in this section, eligibility for the state need grant shall include students with family incomes at or below 70 percent of the state median family income (MFI), adjusted for family size, and shall include students enrolled in three to five credit-bearing quarter credits, or the equivalent semester credits. The office of student financial assistance shall report to the legislature by December 1, 2013, regarding the number of students enrolled in three to five credit-bearing quarter credits, or the equivalent semester credits, and their academic progress including degree completion. Awards for all students shall be adjusted by the estimated amount by which Pell grant increases exceed projected increases in the noninstructional costs of attendance. Awards for students with incomes between 51 and 70 percent of the state median shall be prorated at the following percentages of the award amount granted to those with incomes below 51 percent of the MFI: 70 percent for students with family incomes between 51 and 55 percent MFI; 65 percent for students with family incomes between 56 and 60 percent MFI; 60 percent for students with family incomes between 61 and 65 percent MFI; and 50 percent for students with family incomes between 66 and 70 percent MFI. For the 2012-13 academic year, awards for eligible students attending for-profit institutions of higher education shall not be subject to a fifty percent reduction.

(3) \$1,250,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for implementation of the aerospace training scholarship and student loan program as specified in Engrossed Substitute House Bill No. 1846 (aerospace student loans). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(4) For fiscal year 2013, the board shall defer loan or conditional scholarship repayments to the future teachers conditional scholarship and loan repayment program for up to one year for each participant if the participant has shown evidence of efforts to find a teaching job but has been unable to secure a teaching job per the requirements of the program.

(5) \$1,000,000 of the education legacy trust account--state appropriation is provided solely for the gaining early awareness and readiness for undergraduate programs project.

(6) \$500,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for the leadership 1000 program.

(7) \$2,436,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for the passport to college program. The maximum scholarship award shall be \$5,000. The board shall contract with a nonprofit organization to provide support services to increase student completion in their postsecondary program and shall, under this contract, provide a minimum of \$500,000 in fiscal year 2013 for this purpose.

**Sec. 612.** 2011 1st sp.s. c 50 s 616 (uncodified) is amended to read as follows:

**FOR THE WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD**

General Fund--State Appropriation (FY 2012) .....	(\$1,382,000)
.....	\$1,274,000
General Fund--State Appropriation (FY 2013) .....	(\$1,388,000)
.....	\$1,280,000
General Fund--Federal Appropriation .....	\$62,758,000
TOTAL APPROPRIATION .....	(\$65,528,000)
.....	\$65,312,000

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The appropriations in this section are subject to the following conditions and limitations: For the 2011-2013 fiscal biennium the board shall not designate recipients of the Washington award for vocational excellence or recognize them at award ceremonies as provided in RCW 28C.04.535.

Sec. 613. 2011 2nd sp.s. c 9 s 612 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF EARLY LEARNING

General Fund--State Appropriation (FY 2012) .....	(\$27,571,000)
.....	\$25,244,000
General Fund--State Appropriation (FY 2013) .....	(\$27,558,000)
.....	\$25,265,000
General Fund--Federal Appropriation .....	(\$261,753,000)
.....	\$279,884,000
Home Visiting Services Account--Federal.....	Appropriation
.....	\$200,000
Opportunity Pathways Account--State Appropriation .....	
.....	\$80,000,000
TOTAL APPROPRIATION.....	(\$396,882,000)
.....	\$410,593,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$16,028,000 of the general fund--state appropriation for fiscal year 2012, \$16,028,000 of the general fund--state appropriation of fiscal year 2013, \$80,000,000 of the opportunity pathways account appropriation, and \$2,256,000 of the general fund--federal appropriation are provided solely for the early childhood education assistance program services. Of these amounts, \$10,284,000 is a portion of the biennial amount of state maintenance of effort dollars required to receive federal child care and development fund grant dollars.

(2) In accordance to RCW 43.215.255(2) and 43.135.055, the department is authorized to increase child care center and child care family home licensure fees in fiscal years 2012 and 2013 for costs to the department for the licensure activity, including costs of necessary inspection. These increases are necessary to support expenditures authorized in this section.

(3) ~~(\$638,000)~~ \$64,000 of the general fund--state appropriation for fiscal year 2012 ~~(and)~~, \$638,000 of the general fund--state appropriation for fiscal year 2013, and \$574,000 of the general fund-- federal appropriation are provided solely for child care resource and referral network services.

(4) ~~(\$200,000 of the general fund--state appropriation for fiscal year 2012 and \$200,000 of the general fund--state appropriation for fiscal year 2013~~ are provided solely to develop and provide culturally relevant supports for parents, family, and other caregivers.

(5) The department is the lead agency for and recipient of the federal child care and development fund grant. Amounts within this grant shall be used to fund child care licensing, quality initiatives, agency administration, and other costs associated with child care subsidies. The department shall transfer a portion of this grant to the department of social and health services to fund the child care subsidies paid by the department of social and health services on behalf of the department of early learning.

~~((6))~~ (5) The appropriations in this section reflect reductions in the appropriations for the department's administrative expenses. It is the intent of the legislature that these reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or program.

~~((7))~~ (6) \$934,000 of the general fund--state appropriation for fiscal year 2012, \$934,000 of the general fund--state appropriation for fiscal year 2013, and \$2,400,000 of the general fund--federal appropriation are provided solely for expenditure into the home visiting services account. This funding is intended to meet federal

maintenance of effort requirements and to secure private matching funds.

(a) All federal funds received by the department for home visiting activities must be deposited into the home visiting services account.

(b) The department must consult with stakeholders during the development of the Washington home visiting plan and any future proposals for federal funding.

(c) \$200,000 of the home visiting services account--federal appropriation is provided solely for program administration pursuant to RCW 43.215.130. No other funds may be expended for that purpose.

~~((8))~~ (7) In addition to groups that were given prioritized access to the working connections child care program effective March 1, 2011, the department shall also give prioritized access into the program to families in which a parent of a child in care is a minor who is not living with a parent or guardian and who is a full-time student in a high school that has a school-sponsored on-site child care center.

~~((9))~~ (8) Within available amounts, the department in consultation with the office of financial management and the department of social and health services shall report quarterly enrollments and active caseload for the working connections child care program to the legislative fiscal committees. The report shall also identify the number of cases participating in both temporary assistance for needy families and working connections child care.

~~((10))~~ (9) \$2,522,000 of the general fund--state appropriation for fiscal year 2012, \$2,522,000 of the general fund--state appropriation for fiscal year 2013, and \$4,304,000 of the general fund--federal appropriation are provided solely for the medicaid treatment child care (MTCC) program. The department shall contract for MTCC services to provide therapeutic child care and other specialized treatment services to abused, neglected, at-risk, and/or drug-affected children. Priority for services shall be given to children referred from the department of social and health services children's administration. In addition to referrals made by children's administration, the department shall authorize services for children referred to the MTCC program, as long as the children meet the eligibility requirements as outlined in the Washington state plan for the MTCC program. Of the amounts appropriated in this subsection, \$60,000 per fiscal year may be used by the department for administering the MTCC program, if needed.

Sec. 614. 2011 2nd sp.s. c 9 s 613 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE BLIND

General Fund--State Appropriation (FY 2012) .....	\$5,782,000
General Fund--State Appropriation (FY 2013) .....	(\$5,749,000)
.....	\$5,461,000
((General Fund--Private/Local Appropriation .....	\$1,961,000))
TOTAL APPROPRIATION .....	(\$13,492,000)
.....	\$11,243,000

((The appropriations in this section are subject to the following conditions and limitations: \$271,000 of the general fund--private/local appropriation is provided solely for the school for the blind to offer short course programs, allowing students the opportunity to leave their home schools for short periods and receive intensive training. The school for the blind shall provide this service to the extent that it is funded by contracts with school districts and educational services districts.))

Sec. 615. 2011 2nd sp.s. c 9 s 614 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS

General Fund--State Appropriation (FY 2012) .....	\$8,449,000
General Fund--State Appropriation (FY 2013) .....	(\$8,446,000)
.....	\$8,041,000

((General Fund--Private/Local Appropriation ..... \$526,000))  
 TOTAL APPROPRIATION .....(((\$17,421,000))  
 ..... \$16,490,000

(End of part)

**PART VII  
 SPECIAL APPROPRIATIONS**

**Sec. 701.** 2011 2nd sp.s. c 9 s 701 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT

General Fund--State Appropriation (FY 2012) .....(((\$919,198,000))  
 ..... \$911,643,000  
 General Fund--State Appropriation (FY 2013) .....(((\$967,749,000))  
 ..... \$950,740,000  
 State Building Construction Account--State  
 Appropriation ..... \$3,866,000  
 Columbia River Basin Water Supply Development  
 Account--State Appropriation ..... \$121,000  
 Hood Canal Aquatic Rehabilitation Bond Account--State  
 Appropriation ..... \$4,000  
 State Taxable Building Construction Account--State  
 Appropriation ..... \$90,000  
 Gardner-Evans Higher Education Construction  
 Account--State Appropriation ..... \$13,000  
 Debt-Limit Reimbursable Bond Retire Account--State  
 Appropriation ..... \$2,300,000  
 TOTAL APPROPRIATION .....(((\$1,893,341,000))  
 ..... \$1,868,777,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for expenditure into the debt-limit general fund bond retirement account. The entire general fund--state appropriation for fiscal year 2012 shall be expended into the debt-limit general fund bond retirement account by June 30, 2012.

**Sec. 702.** 2011 2nd sp.s. c 9 s 702 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE

General Fund--State Appropriation (FY 2012) .....(((\$27,516,000))  
 ..... \$27,400,000  
 General Fund--State Appropriation (FY 2013) .....(((\$30,758,000))  
 ..... \$30,572,000  
 Nondebt-Limit Reimbursable Bond Retirement  
 Account--State Appropriation ..... \$140,128,000  
 TOTAL APPROPRIATION .....(((\$198,402,000))  
 ..... \$198,100,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriation is for expenditure into the nondebt-limit general fund bond retirement account. The entire general fund--state appropriation for fiscal year 2012 shall be expended into the nondebt-limit general fund bond retirement account by June 30, 2012.

**NEW SECTION. Sec. 703.** A new section is added to 2011 1st sp.s. c 50 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--REVISED EMPLOYER HEALTH BENEFIT RATES

General Fund--State Appropriation (FY 2013) ..... (\$32,946,000)  
 General Fund--Federal Appropriation ..... (\$4,720,000)

General Fund--Local Appropriation ..... (\$518,000)  
 Education Legacy Trust Account--State Appropriation .. (\$178,000)  
 Dedicated Funds and Accounts Appropriation ..... (\$7,684,000)  
 TOTAL APPROPRIATION ..... (\$46,046,000)

The appropriations in this section are subject to the following conditions and limitations: Appropriations are adjusted to reflect changes to appropriations to reflect the change in the employer funding rate providing employee health and insurance coverage for fiscal year 2013 from \$850 to \$800 per estimated eligible employee per month. The office of financial management shall update agency appropriations schedules to reflect the changes in funding levels in this section as identified by agency and fund in LEAP document H-HB1 dated February 17, 2012. From the applicable accounts, the office of financial management shall adjust allotments to the respective agencies by an amount that conforms with funding adjustments enacted in the 2012 supplemental omnibus operating appropriations act. Any allotment reductions under this section must be placed in reserve status and remain unexpended.

**Sec. 704.** 2011 2nd sp.s. c 9 s 704 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--CONTRIBUTIONS TO RETIREMENT SYSTEMS

**(1)** The appropriations in this section are subject to the following conditions and limitations: The appropriations for the law enforcement officers' and firefighters' retirement system shall be made on a monthly basis beginning July 1, 2011, consistent with chapter 41.45 RCW, and the appropriations for the judges and judicial retirement systems shall be made on a quarterly basis consistent with chapters 2.10 and 2.12 RCW.

**((+)) (2)** The contribution rates adopted under RCW 41.45.0604 and 41.26.720 for the law enforcement officers' and firefighters' retirement system plan 2 are hereby modified. The following contribution rates will be in effect for the law enforcement officers' and firefighters' retirement system plan 2:

- (a) Beginning March 1, 2012, a member contribution rate of 6.53 percent will be charged;
- (b) Beginning March 1, 2012, an employer contribution rate of 3.92 percent will be charged; and
- (c) Beginning March 1, 2012, a state contribution rate of 2.61 percent will be charged.

These contribution rates will be in effect through June 30, 2013.

**(3)** There is appropriated for state contributions to the law enforcement officers' and firefighters' retirement system:

General Fund--State Appropriation (FY 2012) .....(((\$54,547,000))  
 ..... \$50,405,000  
 General Fund--State Appropriation (FY 2013) .....(((\$56,729,000))  
 ..... \$43,809,000  
 TOTAL APPROPRIATION .....(((\$111,276,000))  
 ..... \$94,214,000

**((2)) (4)** There is appropriated for contributions to the judicial retirement system:

General Fund--State Appropriation (FY 2012) ..... \$8,100,000  
 General Fund--State Appropriation (FY 2013) ..... \$10,100,000  
 TOTAL APPROPRIATION ..... \$18,200,000

**NEW SECTION. Sec. 705.** A new section is added to 2011 1st sp.s. c 50 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--DISASTER RESPONSE ACCOUNT

General Fund--State Appropriation (FY 2013) ..... \$1,150,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the disaster response account.

**Sec. 706.** 2011 1st sp.s. c 50 s 715 (uncodified) is amended to read as follows:

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FOR THE OFFICE OF FINANCIAL MANAGEMENT--EXTRAORDINARY CRIMINAL JUSTICE COSTS

General Fund--State Appropriation (FY 2012) .....(\$591,000)  
 .....\$1,102,000

The appropriation in this section is subject to the following conditions and limitations: The director of financial management shall distribute ((\$338,000)) \$501,000 to Franklin county, \$128,000 to Jefferson county, ((and)) \$125,000 to Okanogan county, \$161,000 to Yakima county, and \$187,000 to King county for extraordinary criminal justice costs.

NEW SECTION. Sec. 707. A new section is added to 2011 1st sp.s. c 50 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--EDUCATION LEGACY TRUST ACCOUNT  
 General Fund--State Appropriation (FY 2013) .....\$25,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the education legacy trust account.

NEW SECTION. Sec. 708. A new section is added to 2011 1st sp.s. c 50 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--ARROW COMMISSION  
 General Fund--State Appropriation (FY 2013) .....\$200,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 6345 (agency reallocation and realignment of Washington commission). If the bill is not enacted by June 30, 2012, the appropriation in this section shall lapse.

NEW SECTION. Sec. 709. CENTRAL SERVICE EFFICIENCIES

2011 2nd sp.s. c 9 s 705 (uncodified) is repealed.

Sec. 710. 2011 2nd sp.s. c 9 s 707 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--PERSONNEL SERVICES

((From appropriations to state agencies for the 2011-2013 fiscal biennium, the office of financial management shall reduce general fund--state allotments by \$9,537,000 for fiscal year 2013 to reflect reduced billings and related charges to client agencies for central personnel services, pursuant to allotment schedules prepared by the office of financial management. The allotment reductions under this section shall be placed in unallotted status and remain unexpended.)) General Fund--State Appropriation

(FY 2012) ..... (\$745,000)  
 General Fund--State Appropriation (FY 2013) ..... (\$763,000)  
 Other Appropriated Funds ..... (\$1,176,000)  
 TOTAL APPROPRIATION ..... (\$2,684,000)

The appropriations in this section are solely for the purposes designated in this section and are subject to the following conditions and limitations:

(1) Appropriations are adjusted to reflect adjustments in funding for charges associated with a personnel services rate reduction.

(2) The office of financial management shall update agency appropriation schedules to reflect the changes to funding levels in this section as identified by agency and in the amounts specified in LEAP Document GLP-2012 dated February 18, 2012.

NEW SECTION. Sec. 711. A new section is added to 2011 1st sp.s. c 50 (uncodified) to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES--DISTRIBUTION OF EXCESS FUNDS FROM THE FOREST DEVELOPMENT ACCOUNT  
 Forest Development Account--State Appropriation \$10,000,000

The appropriation in this section is provided solely for distribution of state forest land revenues to taxing authorities that received such revenue from fiscal year 2002 through fiscal year 2011 and is subject to the following conditions and limitations:

(1) Within fifteen days of the effective date of this section, the department shall transmit funds in the amounts specified in subsection (3) of this section to the county treasurers of the counties receiving the funds.

(2) The county treasurers of the counties listed in this section shall distribute funds received from this appropriation to taxing authorities in proportion to the state forest transfer land funds distributed to the taxing authorities based on information available for the fiscal years 2002 through 2011. Funds to be credited to the state of Washington and funds credited to school district general levies shall be remitted to the state of Washington within thirty days after the effective date of this section for deposit into the state general fund.

(3) Funds shall be distributed in the following amounts:

Clallam	\$848,854
Clark	\$630,368
Cowlitz	\$418,159
Grays Harbor	\$266,365
Jefferson	\$239,722
King	\$328,725
Kitsap	\$73,839
Klickitat	\$197,968
Lewis	\$887,679
Mason	\$425,935
Okanogan	\$4
Pacific	\$352,540
Pierce	\$334,179
Skagit	\$1,534,497
Skamania	\$66,648
Snohomish	\$1,565,549
Stevens	\$6,709
Thurston	\$783,735
Wahkiakum	\$285,339
Whatcom	\$753,186
Total	\$10,000,000

NEW SECTION. Sec. 712. A new section is added to 2011 1st sp.s. c 50 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--CENTRAL SERVICE CHARGES ADJUSTMENTS

General Fund--State Appropriation (FY 2012) .....	(\$702,000)
General Fund--State Appropriation (FY 2013) .....	(\$1,410,000)
Other Appropriated Funds .....	(\$3,222,000)
<b>TOTAL APPROPRIATION .....</b>	<b>(\$5,334,000)</b>

The appropriations in this section are solely for the purposes designated in this section and are subject to the following conditions and limitations:

(1) Appropriations are adjusted to reflect adjustments in funding for charges associated with central services.

(2) The office of financial management shall update agency appropriation schedules to reflect the changes to funding levels in this section.

**NEW SECTION. Sec. 713.** A new section is added to 2011 1st sp.s. c 50 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--AUDIT SERVICES ADJUSTMENTS

General Fund--State Appropriation (FY 2012) .....	(\$169,000)
General Fund--State Appropriation (FY 2013) .....	(\$341,000)
Other Appropriated Funds .....	\$208,000
<b>TOTAL APPROPRIATION .....</b>	<b>(\$302,000)</b>

The appropriations in this section are solely for the purposes designated in this section and are subject to the following conditions and limitations:

(1) Appropriations are adjusted to reflect adjustments in funding for charges associated with audit services.

(2) The office of financial management shall update agency appropriation schedules to reflect the changes to funding levels in this section.

**NEW SECTION. Sec. 714.** A new section is added to 2011 1st sp.s. c 50 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--LEGAL SERVICES REDUCTION

General Fund--State Appropriation (FY 2012) .....	(\$896,000)
General Fund--State Appropriation (FY 2013) .....	(\$1,805,000)
Other Appropriated Funds .....	(\$4,918,000)
<b>TOTAL APPROPRIATION .....</b>	<b>(\$7,619,000)</b>

The appropriations in this section are solely for the purposes designated in this section and are subject to the following conditions and limitations:

(1) Appropriations are adjusted to reflect savings associated with a reduction in expenditures related to legal services.

(2) The office of financial management shall update agency appropriation schedules to reflect the changes to funding levels in this section.

**NEW SECTION. Sec. 715.** A new section is added to 2011 1st sp.s. c 50 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--ARCHIVE SERVICES REDUCTION

General Fund--State Appropriation (FY 2012) .....	(\$110,000)
General Fund--State Appropriation (FY 2013) .....	(\$229,000)
Other Appropriated Funds .....	(\$244,000)
<b>TOTAL APPROPRIATION .....</b>	<b>(\$583,000)</b>

The appropriations in this section are solely for the purposes designated in this section and are subject to the following conditions and limitations:

(1) Appropriations are adjusted to reflect savings associated with a reduction in expenditures related to archive services.

(2) The office of financial management shall update agency appropriation schedules to reflect the changes to funding levels in this section.

**NEW SECTION. Sec. 716.** A new section is added to 2011 1st sp.s. c 50 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--CENTRAL SERVICE SAVINGS

General Fund--State Appropriation (FY 2012) .....	(\$62,000)
General Fund--State Appropriation (FY 2013) .....	(\$127,000)
Other Appropriated Funds .....	(\$207,000)
<b>TOTAL APPROPRIATION .....</b>	<b>(\$396,000)</b>

The appropriations in this section are solely for the purposes designated in this section and are subject to the following conditions and limitations:

(1) Appropriations are adjusted to reflect savings associated with a reduction in billing to various state agencies for central services.

(2) The office of financial management shall update agency appropriation schedules to reflect the changes to funding levels in this section.

**NEW SECTION. Sec. 717.** A new section is added to 2011 1st sp.s. c 50 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--CENTRAL SERVICE REDUCTIONS

General Fund--State Appropriation (FY 2012) .....	(\$894,000)
General Fund--State Appropriation (FY 2013) .....	(\$3,586,000)
Other Appropriated Funds .....	(\$3,295,000)
<b>TOTAL APPROPRIATION .....</b>	<b>(\$7,775,000)</b>

The appropriations in this section are solely for the purposes designated in this section and are subject to the following conditions and limitations:

(1) Appropriations are adjusted to reflect savings associated with a reduction to various state agencies for central services pursuant to Substitute Senate Bill No. 6607.

(2) The office of financial management shall update agency appropriation schedules to reflect the changes to funding levels in this section.

**NEW SECTION. Sec. 718.** A new section is added to 2011 1st sp.s. c 50 (uncodified) to read as follows:

FOR SUNDRY CLAIMS

The following sums, or so much thereof as may be necessary, are appropriated from the general fund, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of financial management, except as otherwise provided, for reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110, as follows:

- (1) Clint L. Powell, Jr., claim number 99970048.....\$58,155.10
- (2) Chance L. Hawkins, claim number 99970049 .....\$28,838.95
- (3) Edgar L. Hawkins, claim number 99970050.....\$25,507.00
- (4) James Abbott, claim number 99970051 .....\$9,880.00
- (5) Richard Frisk, claim number 99970052 .....\$32,788.50
- (6) Brian Barnd-Spjut, claim number 99970053.....\$122,821.79

**NEW SECTION. Sec. 719.** A new section is added to 2011 1st sp.s. c 50 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--STATE AGENCY RETIREMENT SYSTEM CONTRIBUTIONS

General Fund--State Appropriation (FY 2013) .....	(\$44,301,000)
General Fund--Federal Appropriation .....	(\$10,049,000)
General Fund--Private/Local Appropriation.....	(\$1,038,000)
Dedicated Funds and Accounts Appropriation.....	(\$49,989,000)
<b>TOTAL APPROPRIATION .....</b>	<b>(\$105,377,000)</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely to reduce agency and institution appropriations to reflect reduced pension contributions. The office of financial management shall allocate the moneys appropriated in this section in the amounts specified and adjust appropriation schedules accordingly. The office of financial management shall make any further allotment

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adjustments necessary to reflect agency mergers or consolidations assumed in this act. The allotment reductions under this section shall be placed in unallotted status and remain unexpended.

(2) The appropriations in this section reflect reduced retirement system contributions resulting from the provisions of Senate Bill No. 6378 (reforming the state retirement plans). If the bill is not enacted by June 30, 2012, the amounts provided in this section shall lapse.

**NEW SECTION. Sec. 720.** A new section is added to 2011 1st sp.s. c 50 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--SCHOOL DISTRICT RETIREMENT SYSTEM CONTRIBUTIONS**

General Fund--State Appropriation (FY 2013) ..... (\$88,699,000)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for adjustments to allocations to school districts to reflect reduced retirement system contributions resulting from the provisions of Senate Bill No. 6378 (reforming the state retirement plans). The office of financial management shall reduce allotments for the office of the superintendent of public instruction by these amounts. The allotment reductions under this section shall be placed in unallotted status and remain unexpended.

(2) The appropriation in this section reflects reduced retirement system contributions resulting from the provisions of Senate Bill No. 6378 (reforming the state retirement plans). If the bill is not enacted by June 30, 2012, the amount provided in this section shall lapse.

(End of part)

**PART VIII  
OTHER TRANSFERS AND APPROPRIATIONS**

**Sec. 801.** 2011 1st sp.s. c 50 s 801 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

General Fund Appropriation for fire insurance premium distributions .....	(\$8,368,000)
.....	\$8,289,000
General Fund Appropriation for public utility district excise tax distributions .....	(\$49,418,000)
.....	\$44,078,000
General Fund Appropriation for prosecuting attorney distributions.....	\$6,281,000
General Fund Appropriation for boating safety and education distributions.....	\$4,000,000
General Fund Appropriation for other tax distributions .....	\$58,000
General Fund Appropriation for habitat conservation program distributions .....	\$3,000,000
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies .....	\$2,960,000
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution .....	\$160,000
Timber Tax Distribution Account Appropriation for distribution to "timber" counties .....	(\$40,421,000)
.....	\$58,229,000
County Criminal Justice Assistance Appropriation..	(\$69,801,000)
.....	\$69,566,000
Municipal Criminal Justice Assistance Appropriation .....	(\$26,950,000)
.....	\$26,843,000

City-County Assistance Account Appropriation for local government financial assistance distribution .....	(\$16,589,000)
.....	\$12,159,000
Liquor Excise Tax Account Appropriation for liquor excise tax distribution.....	(\$52,152,000)
.....	\$25,617,000
Streamlined Sales and Use Tax Mitigation Account Appropriation for distribution to local taxing jurisdictions to mitigate the unintended revenue redistribution effect of the sourcing law changes .....	(\$49,635,000)
.....	\$49,309,000
Columbia River Water Delivery Account Appropriation for the Confederated Tribes of the Colville Reservation.....	(\$7,441,000)
.....	\$7,478,000
Columbia River Water Delivery Account Appropriation for the Spokane Tribe of Indians .....	(\$4,748,000)
.....	\$4,794,000
Liquor Revolving Account Appropriation for liquor profits distribution .....	(\$69,318,000)
.....	\$86,878,000
<b>TOTAL APPROPRIATION .....</b>	<b>(\$411,301,000)</b>
.....	<b>\$409,699,000</b>

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

**Sec. 802.** 2011 1st sp.s. c 50 s 802 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--FOR THE COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

Impaired Driver Safety Account Appropriation .....

.....	(\$2,501,000)
.....	\$2,439,000

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2011-2013 fiscal biennium in accordance with RCW 82.14.310. This funding is provided to counties for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

**Sec. 803.** 2011 1st sp.s. c 50 s 803 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

Impaired Driver Safety Account Appropriation .....

.....	(\$1,666,000)
.....	\$1,626,000

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2011-2013 biennium to all cities ratably based on population as last determined by the office of financial management. The distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located. This funding is provided to cities for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI

penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

**Sec. 804.** 2011 2nd sp.s. c 9 s 801 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--TRANSFERS**  
 State Treasurer's Service Account: For transfer to the state general fund, \$16,300,000 for fiscal year 2012 and ((\$21,300,000)) \$24,800,000 for fiscal year 2013 .....((\$37,600,000)) .....\$41,100,000  
 Waste Reduction, Recycling, and Litter Control Account: For transfer to the state general fund, ((\$3,500,000)) \$4,847,000 for fiscal year 2012 and ((\$3,500,000)) \$4,847,000 for fiscal year 2013 .....((\$7,000,000)) .....\$9,694,000  
 Aquatics Lands Enhancement Account: For transfer to the state general fund, \$3,500,000 for fiscal year 2012 and \$3,500,000 for fiscal year 2013 .....\$7,000,000  
 Savings Incentive Account: For transfer to the state general fund, \$44,618,000 for fiscal year 2012.....\$44,618,000  
 Distinguished Professorship Trust Fund: For transfer to the state general fund for fiscal year 2012, an amount not to exceed the actual cash balance of the fund .....\$3,024,000  
 Washington Graduate Fellowship Trust Fund: For transfer to the state general fund for fiscal year 2012, an amount not to exceed the actual cash balance of the fund.....\$1,028,000  
 College Faculty Awards Trust Fund: For transfer to the state general fund for fiscal year 2012, an amount not to exceed the actual cash balance of the fund .....\$1,996,000  
 Data Processing Revolving Account: For transfer to the state general fund, \$5,960,000 for fiscal year 2012.....\$5,960,000  
 Drinking Water Assistance Account: For transfer to the drinking water assistance repayment account ...\$38,000,000  
 Economic Development Strategic Reserve Account: For transfer to the state general fund, \$2,100,000 for fiscal year 2012 and \$2,100,000 for fiscal year 2013 .....\$4,200,000  
 General Fund: For transfer to the streamlined sales and use tax account, ((\$24,846,000)) \$24,520,000 for fiscal year 2012 and \$24,789,000 for fiscal year 2013 .....((\$49,635,000)) .....\$49,309,000  
 Public Works Assistance Account: For transfer to the water pollution control revolving account.....\$7,750,000 for fiscal year 2012 and \$7,750,000 for fiscal year 2013 .....\$15,500,000  
 The Charitable, Educational, Penal, and Reformatory Institutions Account: For transfer to the state general fund, \$4,500,000 for fiscal year 2012 and \$4,500,000 for fiscal year 2013.....\$9,000,000  
 Thurston County Capital Facilities Account: For transfer to the state general fund, \$4,000,000 for fiscal year 2012 and \$4,000,000 for fiscal year 2013 .....\$8,000,000  
 Public Works Assistance Account: For transfer to the drinking water assistance account, \$10,000,000 for fiscal year 2012 and \$5,000,000 for fiscal year 2013 .....\$15,000,000

Liquor Control Board Construction and Maintenance Account: For transfer to the state general fund, \$500,000 for fiscal year 2012 ((and \$500,000 for fiscal year 2013)).....((\$1,000,000)) .....\$500,000  
 Education Savings Account: For transfer to the state general fund, \$54,431,000 for fiscal year 2012 and ((\$22,500,000)) \$92,411,000 for fiscal year 2013 .....((\$76,931,000)) .....\$146,842,000  
 Department of Retirement Systems Expense Account: For transfer to the state general fund, ((\$250,000)) \$2,330,000 for fiscal year 2012 and ((\$250,000)) \$2,330,000 for fiscal year 2013 .....((\$500,000)) .....\$4,660,000  
 Education Construction Account: For transfer to the state general fund, \$102,000,000 for fiscal year 2012 and \$102,000,000 for fiscal year 2013 .....\$204,000,000  
 Public Works Assistance Account: For transfer to the state general fund, \$25,000,000 for fiscal year 2012 and \$25,000,000 for fiscal year 2013 .....\$50,000,000  
 Foster Care Endowed Scholarship Trust Fund: For transfer to the state general fund, \$200,000 for fiscal year 2012 and \$200,000 for fiscal year 2013 .....\$400,000  
 Affordable Housing For All Account: For transfer to the home security fund, \$1,000,000 for fiscal year 2012 and \$1,000,000 for fiscal year 2013 .....\$2,000,000  
 Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the actual amount of the annual base payment to the tobacco settlement account .....\$158,205,000  
 Tobacco Settlement Account: For transfer to the basic health plan stabilization account from the amounts deposited in the account that are attributable to the annual strategic contribution payment received in fiscal year 2012 .....\$22,000,000  
 Tobacco Settlement Account: For transfer to the basic health plan stabilization account from the amounts deposited in the account that are attributable to the annual strategic contribution payment received in fiscal year 2013 .....((\$22,000,000)) .....\$27,000,000  
 Tobacco Settlement Account: For transfer to the life sciences discovery fund, in an amount not to exceed the actual remaining amount of the annual strategic contribution payment to the tobacco settlement account for fiscal year 2012.....\$6,000,000  
 Tobacco Settlement Account: For transfer to the life sciences discovery fund, in an amount not to exceed the actual remaining amount of the annual strategic contribution payment to the tobacco settlement account for fiscal year 2013.....((\$6,000,000)) .....\$1,000,000  
 The transfer to the life sciences discovery fund is subject to the following conditions: All new grants awarded during the 2011-2013 fiscal biennium shall support and accelerate the commercialization of an identifiable product.  
 Coastal Protection Account: For transfer to the state general fund, \$500,000 for fiscal year 2012 and \$500,000 for fiscal year 2013 .....\$1,000,000  
 Water Quality Capital Account: For transfer to the state general fund, \$157,000 for fiscal year 2013 .....\$157,000  
 Oyster Reserve Land Account: For transfer to the state general fund, \$58,000 for fiscal year 2012 and \$58,000 for fiscal year 2013.....\$116,000  
 State Nursery Revolving Account: For transfer to the

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state general fund, \$250,000 for fiscal year 2012 and \$250,000 for fiscal year 2013.....\$500,000

Aquatic Lands Enhancement Account: For transfer to the marine resources stewardship trust account, \$2,400,000 for fiscal year 2013. However, if Second Substitute Senate Bill No. 6263 (marine planning) is not enacted by June 30, 2012, then the transfer shall not occur .....\$2,400,000

Financial Services Regulation Fund: For transfer to the state general fund, \$4,000,000 for fiscal year 2012.....\$4,000,000

Local Toxics Control Account: For transfer to the state toxics control account, \$23,300,000 for fiscal year 2012 and \$23,300,000 for fiscal year 2013 .....\$46,600,000

(End of part)

**PART IX  
MISCELLANEOUS**

**Sec. 901.** 2011 1st sp.s. c 50 s 910 (uncodified) is amended to read as follows:

**COLLECTIVE BARGAINING AGREEMENT FOR FISCAL YEAR 2012--TERMS AND CONDITIONS**

For fiscal year 2012, no agreements have been reached between the governor and the following unions: Washington public employees association, Washington public employees association higher education community college coalition, Washington federation of state employees higher education community college coalition, Washington federation of state employees Central Washington University, Washington federation of state employees Western Washington University, Washington federation of state employees The Evergreen State College, and public school employees Western Washington University, under the provisions of chapter 41.80 RCW ~~((for the 2011-2013 biennium))~~ for fiscal year 2012. Appropriations in this act provide funding to continue the terms and conditions of the 2009-2011 general government and higher education agreements negotiated by the office of financial management's labor relations office under the provisions of chapter 41.80 RCW for fiscal year 2012. For fiscal year 2012, appropriations have been reduced in an amount equal to a 3 percent salary reduction for all represented employees whose monthly full-time equivalent salary is \$2,500 or more per month. This reduction will be implemented according to the terms and conditions of the 2009-2011 agreements. ~~((For fiscal year 2013, funding is reduced to reflect a 3.0 percent temporary salary reduction for all employees whose monthly full-time equivalent salary is \$2,500 or more per month through June 29, 2013. Effective June 30, 2013, the salary schedules effective July 1, 2009, through June 30, 2011, will be reinstated. For employees entitled to leave, temporary salary reduction leave is granted for fiscal year 2013. These changes will be implemented according to law.))~~

**NEW SECTION. Sec. 902.** A new section is added to 2011 1st sp.s. c 50 (uncodified) to read as follows:

**COLLECTIVE BARGAINING AGREEMENT--FISCAL YEAR 2013--WPEA, WPEA CC COALITION, WFSE CC COALITION, WFSE CWU, WFSE TESC**

Agreements have been reached between the governor and the following unions: Washington public employees association, Washington public employees association higher education community college coalition, Washington federation of state employees higher education community college coalition, Washington federation of state employees Central Washington University, and Washington federation of state employees The Evergreen State College, under the provisions of chapter 41.80

RCW for fiscal year 2013. Except as provided in subsection (2) of this section, funding is reduced to reflect a 3.0 percent temporary salary reduction for all employees whose monthly full-time equivalent salary is \$2,500 or more per month through June 29, 2013. Effective June 30, 2013, the salary schedules effective July 1, 2009, through June 30, 2011, will be reinstated. For employees entitled to leave, temporary salary reduction leave is granted for fiscal year 2013.

**NEW SECTION. Sec. 903.** A new section is added to 2011 1st sp.s. c 50 (uncodified) to read as follows:

**COLLECTIVE BARGAINING AGREEMENT--FISCAL YEAR 2013--YAKIMA VALLEY COMMUNITY COLLEGE--WASHINGTON PUBLIC EMPLOYEES ASSOCIATION**

An agreement has been reached between Yakima Valley Community College and Washington public employees association under the provisions of chapter 41.80 RCW for fiscal year 2013. The agreement is consistent with the funding reduction provided in the 2011-2013 omnibus appropriations act, which reflected a 3.0 percent temporary salary reduction to all employees whose monthly full-time equivalent salary is \$2,500 or more per month through June 29, 2013.

**NEW SECTION. Sec. 904.** A new section is added to 2011 1st sp.s. c 50 (uncodified) to read as follows:

**COLLECTIVE BARGAINING AGREEMENT--FISCAL YEAR 2013--WESTERN WASHINGTON UNIVERSITY--PUBLIC SCHOOL EMPLOYEES OF WASHINGTON**

An agreement has been reached between Western Washington University and the Washington public school employees of Washington bargaining units D and PTE under the provisions of chapter 41.80 RCW for fiscal year 2013. The agreement is consistent with the funding reduction provided in the 2011-2013 omnibus appropriations act, which reflected a 3.0 percent temporary salary reduction to all employees whose monthly full-time equivalent salary is \$2,500 or more per month through June 29, 2013. The reduction will be implemented according to the terms and conditions of this agreement.

**NEW SECTION. Sec. 905.** A new section is added to 2011 1st sp.s. c 50 (uncodified) to read as follows:

**COLLECTIVE BARGAINING AGREEMENT--FISCAL YEAR 2013--WESTERN WASHINGTON UNIVERSITY--WFSE**

An agreement has been reached between Western Washington University and the Washington federation of state employees bargaining units A, B, and E under the provisions of chapter 41.80 RCW for fiscal year 2013. The agreement is consistent with the funding reduction provided in the 2011-2013 omnibus appropriations act, which reflected a 3.0 percent temporary salary reduction to all employees whose monthly full-time equivalent salary is \$2,500 or more per month through June 29, 2013. The reduction will be implemented according to the terms and conditions of this agreement.

**NEW SECTION. Sec. 906.** A new section is added to 2011 1st sp.s. c 50 (uncodified) to read as follows:

**COLLECTIVE BARGAINING AGREEMENT--FISCAL YEAR 2013--EASTERN WASHINGTON UNIVERSITY--WFSE**

An agreement has been reached between Eastern Washington University and the Washington federation of state employees under the provisions of chapter 41.80 RCW for fiscal year 2013. The agreement is consistent with the funding reduction provided in the 2011-2013 omnibus appropriations act, which reflected a 3.0 percent temporary salary reduction to all employees whose monthly full-time equivalent salary is \$2,500 or more per month through June 29, 2013. The reduction will be implemented according to the terms and conditions of this agreement.

**Sec. 907.** 2011 1st sp.s. c 50 s 920 (uncodified) is amended to read as follows:

COMPENSATION--NONREPRESENTED  
EMPLOYEES--INSURANCE BENEFITS

Appropriations for state agencies in this act are sufficient for nonrepresented state employee health benefits for state agencies, including institutions of higher education, and are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$850 per eligible employee for fiscal year 2012. For fiscal year 2013 the monthly employer funding rate shall not exceed (~~(\$850)~~) \$800 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of- service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. For calendar years 2012 and 2013, the subsidy shall be \$150.00 per month.

(3) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(a) For each full-time employee, \$66.01 per month beginning September 1, 2011, and (~~(\$67.94)~~) \$65.17 beginning September 1, 2012;

(b) For each part-time employee, who at the time of the remittance is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$66.01 each month beginning September 1, 2011, and (~~(\$67.94)~~) \$65.17 beginning September 1, 2012, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives. The remittance requirements specified in this subsection shall not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

**Sec. 908.** 2011 1st sp.s. c 50 s 921 (uncodified) is amended to read as follows:

COMPENSATION--REPRESENTED EMPLOYEES OUTSIDE  
SUPER COALITION--INSURANCE BENEFITS

Appropriations for state agencies in this act are sufficient for represented employees outside the super coalition for health benefits, and are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$850 per eligible employee for fiscal year 2012. For fiscal year 2013 the monthly employer funding rate shall not exceed (~~(\$850)~~) \$800 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of- service cost sharing, the implementation of managed

competition, or make other changes to benefits consistent with RCW 41.05.065.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. For calendar years 2012 and 2013, the subsidy shall be \$150.00 per month.

(3) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(a) For each full-time employee, \$66.01 per month beginning September 1, 2011, and (~~(\$67.94)~~) \$65.17 beginning September 1, 2012;

(b) For each part-time employee, who at the time of the remittance is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$66.01 each month beginning September 1, 2011, and (~~(\$67.94)~~) \$65.17 beginning September 1, 2012, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives. The remittance requirements specified in this subsection shall not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

**Sec. 909.** 2011 1st sp.s. c 50 s 922 (uncodified) is amended to read as follows:

COMPENSATION--REPRESENTED EMPLOYEES--SUPER  
COALITION--INSURANCE BENEFITS

The collective bargaining agreement negotiated with the super coalition under chapter 41.80 RCW includes employer premiums at 85 percent of the total weighted average of the projected health care premiums across all plans and tiers. Appropriations in this act for state agencies, including institutions of higher education are sufficient to fund state employees health benefits for employees represented by the super coalition on health benefits, and are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$850 per eligible employee for fiscal year 2012. For fiscal year 2013 the monthly employer funding rate shall not exceed (~~(\$850)~~) \$800 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of- service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees

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and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. For calendar years 2012 and 2013, the subsidy shall be \$150.00 per month.

**Sec. 910.** RCW 28B.15.067 and 2011 1st sp.s. c 10 s 3 are each amended to read as follows:

(1) Tuition fees shall be established under the provisions of this chapter.

(2) Beginning in the 2011-12 academic year, reductions or increases in full-time tuition fees shall be as provided in the omnibus appropriations act for resident undergraduate students at community and technical colleges. The governing boards of the state universities, regional universities, and The Evergreen State College; and the state board for community and technical colleges may reduce or increase full-time tuition fees for all students other than resident undergraduates, including nonresident students, summer school students, and students in other self-supporting degree programs. Percentage increases in full-time tuition may exceed the fiscal growth factor. Except during the 2011-2013 fiscal biennium, the state board for community and technical colleges may pilot or institute differential tuition models. The board may define scale, scope, and rationale for the models.

(3)(a) Beginning with the 2011-12 academic year and through the end of the 2014-15 academic year, the governing boards of the state universities, the regional universities, and The Evergreen State College may reduce or increase full-time tuition fees for all students, including summer school students and students in other self-supporting degree programs. Percentage increases in full-time tuition fees may exceed the fiscal growth factor. Except for resident undergraduate students during the 2011-2013 fiscal biennium, reductions or increases may be made for all or portions of an institution's programs, campuses, courses, or students.

(b) Prior to reducing or increasing tuition for each academic year, the governing boards of the state universities, the regional universities, and The Evergreen State College shall consult with existing student associations or organizations with student undergraduate and graduate representatives regarding the impacts of potential tuition increases. Governing boards shall be required to provide data regarding the percentage of students receiving financial aid, the sources of aid, and the percentage of total costs of attendance paid for by aid.

(c) Prior to reducing or increasing tuition for each academic year, the state board for community and technical college system shall consult with existing student associations or organizations with undergraduate student representation regarding the impacts of potential tuition increases. The state board for community and technical colleges shall provide data regarding the percentage of students receiving financial aid, the sources of aid, and the percentage of total costs of attendance paid for by aid.

(4) Beginning with the 2015-16 academic year through the 2018-19 academic year, the governing boards of the state universities, regional universities, and The Evergreen State College may set tuition for resident undergraduates as follows:

(a) If state funding for a college or university falls below the state funding provided in the operating budget for fiscal year 2011, the governing board may increase tuition up to the limits set in (d) of this subsection, reduce enrollments, or both;

(b) If state funding for a college or university is at least at the level of state funding provided in the operating budget for fiscal year 2011, the governing board may increase tuition up to the limits set in (d) of this subsection and shall continue to at least maintain the actual enrollment levels for fiscal year 2011 or increase enrollments as required in the omnibus appropriations act; ~~(and)~~

(c) If state funding is increased so that combined with resident undergraduate tuition the sixtieth percentile of the total per-student funding at similar public institutions of higher education in the

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global challenge states under RCW 28B.15.068 is exceeded, the governing board shall decrease tuition by the amount needed for the total per-student funding to be at the sixtieth percentile under RCW 28B.15.068; and

(d) The amount of tuition set by the governing board for an institution under this subsection (4) may not exceed the sixtieth percentile of the resident undergraduate tuition of similar public institutions of higher education in the global challenge states.

(5) The tuition fees established under this chapter shall not apply to high school students enrolling in participating institutions of higher education under RCW 28A.600.300 through 28A.600.400.

(6) The tuition fees established under this chapter shall not apply to eligible students enrolling in a dropout reengagement program through an interlocal agreement between a school district and a community or technical college under RCW 28A.175.100 through 28A.175.110.

(7) The tuition fees established under this chapter shall not apply to eligible students enrolling in a community or technical college participating in the pilot program under RCW 28B.50.534 for the purpose of obtaining a high school diploma.

(8) Beginning in the 2019-20 academic year, reductions or increases in full-time tuition fees for resident undergraduates at four-year institutions of higher education shall be as provided in the omnibus appropriations act.

(9) The legislative advisory committee to the committee on advanced tuition payment established in RCW 28B.95.170 shall:

(a) Review the impact of differential tuition rates on the funded status and future unit price of the Washington advanced college tuition payment program; and

(b) No later than January 14, 2013, make a recommendation to the appropriate policy and fiscal committees of the legislature regarding how differential tuition should be addressed in order to maintain the ongoing solvency of the Washington advanced college tuition payment program.

**Sec. 911.** RCW 2.68.020 and 2009 c 564 s 1802 and 2009 c 564 s 918 are each reenacted and amended to read as follows:

There is created an account in the custody of the state treasurer to be known as the judicial information system account. The administrative office of the courts shall maintain and administer the account, in which shall be deposited all moneys received from in-state noncourt users and any out-of-state users of the judicial information system and moneys as specified in RCW 2.68.040 for the purposes of providing judicial information system access to noncourt users and providing an adequate level of automated services to the judiciary. The legislature shall appropriate the funds in the account for the purposes of the judicial information system. The account shall be used for the acquisition of equipment, software, supplies, services, and other costs incidental to the acquisition, development, operation, and administration of information services, telecommunications, systems, software, supplies, and equipment, including the payment of principal and interest on items paid in installments. ~~((During the 2007-2009 fiscal biennium, the legislature may transfer from the judicial information system account to the state general fund such amounts as reflect the excess fund balance of the account.))~~ During the ~~((2009-2011))~~ 2011-2013 fiscal biennium, the legislature may ~~((transfer))~~ appropriate from the judicial information system account to the state ~~((general fund such amounts as reflect the excess fund balance of the account))~~ law library.

**Sec. 912.** RCW 41.05.120 and 2005 c 518 s 921 and 2005 c 143 s 3 are each reenacted and amended to read as follows:

(1) The public employees' and retirees' insurance account is hereby established in the custody of the state treasurer, to be used by the administrator for the deposit of contributions, the remittance

paid by school districts and educational service districts under RCW 28A.400.410, reserves, dividends, and refunds, for payment of premiums for employee and retiree insurance benefit contracts and subsidy amounts provided under RCW 41.05.085, and transfers from the ~~((medical))~~ flexible spending administrative account as authorized in RCW 41.05.123. Moneys from the account shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the administrator. Moneys from the account may be transferred to the medical flexible spending account to provide reserves and start-up costs for the operation of the medical flexible spending account program.

(2) The state treasurer and the state investment board may invest moneys in the public employees' and retirees' insurance account. All such investments shall be in accordance with RCW 43.84.080 or 43.84.150, whichever is applicable. The administrator shall determine whether the state treasurer or the state investment board or both shall invest moneys in the public employees' insurance account.

(3) During the 2005-07 fiscal biennium, the legislature may transfer from the public employees' and retirees' insurance account such amounts as reflect the excess fund balance of the fund.

(4) During the 2011-2013 fiscal biennium, moneys in the public employees' and retirees' insurance account may be lent to the school employees' insurance administrative account as directed by the legislature.

**Sec. 913.** RCW 43.30.720 and 2003 1st sp.s. c 25 s 938 are each amended to read as follows:

All receipts from the sale of stock or seed shall be deposited in a state forest nursery revolving fund to be maintained by the department, which is hereby authorized to use all money in said fund for the maintenance of the state tree nursery or the planting of denuded state owned lands.

During the ~~((2003-2005))~~ 2011-2013 fiscal biennium, the legislature may transfer from the state forest nursery revolving fund to the state general fund such amounts as reflect the excess fund balance of the fund.

**Sec. 914.** RCW 43.320.110 and 2010 1st sp.s. c 37 s 934 are each amended to read as follows:

There is created a local fund known as the "financial services regulation fund" which shall consist of all moneys received by the divisions of the department of financial institutions, except for the division of securities which shall deposit thirteen percent of all moneys received, except as provided in RCW 43.320.115, and which shall be used for the purchase of supplies and necessary equipment; the payment of salaries, wages, and utilities; the establishment of reserves; and other incidental costs required for the proper regulation of individuals and entities subject to regulation by the department. The state treasurer shall be the custodian of the fund. Disbursements from the fund shall be on authorization of the director of financial institutions or the director's designee. In order to maintain an effective expenditure and revenue control, the fund shall be subject in all respects to chapter 43.88 RCW, but no appropriation is required to permit expenditures and payment of obligations from the fund.

During the ~~((2009-2011))~~ 2011-2013 fiscal biennium, the legislature may transfer from the financial services regulation fund to the state general fund such amounts as reflect the excess fund balance of the fund.

**Sec. 915.** RCW 70.105D.070 and 2011 1st sp.s. c 50 s 964 are each reenacted and amended to read as follows:

(1) The state toxics control account and the local toxics control account are hereby created in the state treasury.

(2) The following moneys shall be deposited into the state toxics control account: (a) Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-three one-hundredths of one

percent; (b) the costs of remedial actions recovered under this chapter or chapter 70.105A RCW; (c) penalties collected or recovered under this chapter; and (d) any other money appropriated or transferred to the account by the legislature. Moneys in the account may be used only to carry out the purposes of this chapter, including but not limited to the following activities:

(i) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(ii) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;

(iii) The hazardous waste cleanup program required under this chapter;

(iv) State matching funds required under the federal cleanup law;

(v) Financial assistance for local programs in accordance with chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(vi) State government programs for the safe reduction, recycling, or disposal of hazardous wastes from households, small businesses, and agriculture;

(vii) Hazardous materials emergency response training;

(viii) Water and environmental health protection and monitoring programs;

(ix) Programs authorized under chapter 70.146 RCW;

(x) A public participation program, including regional citizen advisory committees;

(xi) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with cleanup standards under RCW 70.105D.030(2)(e) but only when the amount and terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both (A) a substantially more expeditious or enhanced cleanup than would otherwise occur, and (B) the prevention or mitigation of unfair economic hardship;

(xii) Development and demonstration of alternative management technologies designed to carry out the hazardous waste management priorities of RCW 70.105.150;

(xiii) During the 2009-2011 and 2011-2013 fiscal biennia, shoreline update technical assistance;

(xiv) During the 2009-2011 fiscal biennium, multijurisdictional permitting teams; ~~((and))~~

(xv) During the 2011-2013 fiscal biennium, actions for reducing public exposure to toxic air pollution; and

(xvi) During the 2011-2013 fiscal biennium, the University of Washington college of environment and Washington State University college of agriculture, human, and natural resources.

(3) The following moneys shall be deposited into the local toxics control account: Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-seven one-hundredths of one percent.

(a) Moneys deposited in the local toxics control account shall be used by the department for grants or loans to local governments for the following purposes in descending order of priority:

(i) Remedial actions;

(ii) Hazardous waste plans and programs under chapter 70.105 RCW;

(iii) Solid waste plans and programs under chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(iv) Funds for a program to assist in the assessment and cleanup of sites of methamphetamine production, but not to be used for the initial containment of such sites, consistent with the responsibilities and intent of RCW 69.50.511; and

(v) Cleanup and disposal of hazardous substances from abandoned or derelict vessels, defined for the purposes of this

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section as vessels that have little or no value and either have no identified owner or have an identified owner lacking financial resources to clean up and dispose of the vessel, that pose a threat to human health or the environment.

(b) Funds for plans and programs shall be allocated consistent with the priorities and matching requirements established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW, except that any applicant that is a Puget Sound partner, as defined in RCW 90.71.010, along with any project that is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310, shall, except as conditioned by RCW 70.105D.120, receive priority for any available funding for any grant or funding programs or sources that use a competitive bidding process. During the 2007-2009 fiscal biennium, moneys in the account may also be used for grants to local governments to retrofit public sector diesel equipment and for storm water planning and implementation activities.

(c) To expedite cleanups throughout the state, the department shall partner with local communities and liable parties for cleanups. The department is authorized to use the following additional strategies in order to ensure a healthful environment for future generations:

(i) The director may alter grant-matching requirements to create incentives for local governments to expedite cleanups when one of the following conditions exists:

(A) Funding would prevent or mitigate unfair economic hardship imposed by the clean-up liability;

(B) Funding would create new substantial economic development, public recreational, or habitat restoration opportunities that would not otherwise occur; or

(C) Funding would create an opportunity for acquisition and redevelopment of vacant, orphaned, or abandoned property under RCW 70.105D.040(5) that would not otherwise occur;

(ii) The use of outside contracts to conduct necessary studies;

(iii) The purchase of remedial action cost-cap insurance, when necessary to expedite multiparty clean-up efforts.

(d) To facilitate and expedite cleanups using funds from the local toxics control account, during the 2009-2011 fiscal biennium the director may establish grant-funded accounts to hold and disperse local toxics control account funds and funds from local governments to be used for remedial actions.

(4) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute.

(5) Except during the (~~2009-2011~~) 2011-2013 fiscal biennium, one percent of the moneys deposited into the state and local toxics control accounts shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. No grant may exceed sixty thousand dollars. Grants may be renewed annually. Moneys appropriated for public participation from either account which are not expended at the close of any biennium shall revert to the state toxics control account.

(6) No moneys deposited into either the state or local toxics control account may be used for solid waste incinerator feasibility studies, construction, maintenance, or operation, or, after January 1, 2010, for projects designed to address the restoration of Puget Sound, funded in a competitive grant process, that are in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

(7) The department shall adopt rules for grant or loan issuance and performance.

(8) During the 2007-2009 and 2009-2011 fiscal biennia, the legislature may transfer from the local toxics control account to either the state general fund or the oil spill prevention account, or both such amounts as reflect excess fund balance in the account.

(9) During the 2009-2011 fiscal biennium, the local toxics control account may also be used for a standby rescue tug at Neah Bay, local government shoreline update grants, private and public sector diesel equipment retrofit, and oil spill prevention, preparedness, and response activities.

(10) During the 2009-2011 fiscal biennium, the legislature may transfer from the state toxics control account to the state general fund such amounts as reflect the excess fund balance in the account.

(11) During the 2011-2013 fiscal biennium, the local toxics control account may also be used for local government shoreline update grants and actions for reducing public exposure to toxic air pollution.

**Sec. 916.** RCW 70.146.100 and 2010 1st sp.s. c 37 s 948 are each amended to read as follows:

(1) The water quality capital account is created in the state treasury. Moneys in the water quality capital account may be spent only after appropriation.

(2) Expenditures from the water quality capital account may only be used: (a) To make grants or loans to public bodies, including grants to public bodies as cost-sharing moneys in any case where federal, local, or other moneys are made available on a cost-sharing basis, for the capital component of water pollution control facilities and activities; (b) for purposes of assisting a public body to obtain an ownership interest in water pollution control facilities; or (c) to defray any part of the capital component of the payments made by a public body to a service provider under a service agreement entered into under RCW 70.150.060. During the 2009-2011 fiscal biennium, the legislature may transfer from the water quality capital account to the state general fund such amounts as reflect the excess fund balance of the account. During the 2011-2013 fiscal biennium, the legislature may transfer from the water quality capital account to the state general fund such amounts as reflect the excess fund balance of the account.

**Sec. 917.** RCW 76.04.610 and 2007 c 110 s 1 are each amended to read as follows:

(1)(a) If any owner of forest land within a forest protection zone neglects or fails to provide adequate fire protection as required by RCW 76.04.600, the department shall provide such protection and shall annually impose the following assessments on each parcel of such land: (i) A flat fee assessment of seventeen dollars and fifty cents; and (ii) twenty-seven cents on each acre exceeding fifty acres.

(b) Assessors may, at their option, collect the assessment on tax exempt lands. If the assessor elects not to collect the assessment, the department may bill the landowner directly.

(2) An owner who has paid assessments on two or more parcels, each containing fewer than fifty acres and each within the same county, may obtain the following refund:

(a) If all the parcels together contain less than fifty acres, then the refund is equal to the flat fee assessments paid, reduced by the total of (i) seventeen dollars and (ii) the total of the amounts retained by the county from such assessments under subsection (5) of this section.

(b) If all the parcels together contain fifty or more acres, then the refund is equal to the flat fee assessments paid, reduced by the total of (i) seventeen dollars, (ii) twenty-seven cents for each acre exceeding fifty acres, and (iii) the total of the amounts retained by the county from such assessments under subsection (5) of this section.

Applications for refunds shall be submitted to the department on a form prescribed by the department and in the same year in which the assessments were paid. The department may not provide refunds to applicants who do not provide verification that all assessments and property taxes on the property have been paid. Applications may be made by mail.

In addition to the procedures under this subsection, property owners with multiple parcels in a single county who qualify for a refund under this section may apply to the department on an application listing all the parcels owned in order to have the assessment computed on all parcels but billed to a single parcel. Property owners with the following number of parcels may apply to the department in the year indicated:

Year	Number of Parcels
2002	10 or more parcels
2003	8 or more parcels
2004 and thereafter	6 or more parcels

The department must compute the correct assessment and allocate one parcel in the county to use to collect the assessment. The county must then bill the forest fire protection assessment on that one allocated identified parcel. The landowner is responsible for notifying the department of any changes in parcel ownership.

(3) Beginning January 1, 1991, under the administration and at the discretion of the department up to two hundred thousand dollars per year of this assessment shall be used in support of those rural fire districts assisting the department in fire protection services on forest lands.

(4) For the purpose of this chapter, the department may divide the forest lands of the state, or any part thereof, into districts, for fire protection and assessment purposes, may classify lands according to the character of timber prevailing, and the fire hazard existing, and place unprotected lands under the administration of the proper district. Amounts paid or contracted to be paid by the department for protection of forest lands from funds at its disposal shall be a lien upon the property protected, unless reimbursed by the owner within ten days after October 1st of the year in which they were incurred. The department shall be prepared to make statement thereof, upon request, to a forest owner whose own protection has not been previously approved as to its adequacy, the department shall report the same to the assessor of the county in which the property is situated. The assessor shall extend the amounts upon the tax rolls covering the property, and upon authorization from the department shall levy the forest protection assessment against the amounts of unimproved land as shown in each ownership on the county assessor's records. The assessor may then segregate on the records to provide that the improved land and improvements thereon carry the millage levy designed to support the rural fire protection districts as provided for in RCW 52.16.170.

(5) The amounts assessed shall be collected at the time, in the same manner, by the same procedure, and with the same penalties attached that general state and county taxes on the same property are collected, except that errors in assessments may be corrected at any time by the department certifying them to the treasurer of the county in which the land involved is situated. Assessments shall be known and designated as assessments of the year in which the amounts became reimbursable. Upon the collection of assessments the county treasurer shall place fifty cents of the total assessments paid on a parcel for fire protection into the county current expense fund to defray the costs of listing, billing, and collecting these assessments. The treasurer shall then transmit the balance to the department.

Collections shall be applied against expenses incurred in carrying out the provisions of this section, including necessary and reasonable administrative costs incurred by the department in the enforcement of these provisions. The department may also expend sums collected from owners of forest lands or received from any other source for necessary administrative costs in connection with the enforcement of RCW 76.04.660.

(6) When land against which forest protection assessments are outstanding is acquired for delinquent taxes and sold at public auction, the state shall have a prior lien on the proceeds of sale over and above the amount necessary to satisfy the county's delinquent tax judgment. The county treasurer, in case the proceeds of sale exceed the amount of the delinquent tax judgment, shall immediately remit to the department the amount of the outstanding forest protection assessments.

(7) All nonfederal public bodies owning or administering forest land included in a forest protection zone shall pay the forest protection assessments provided in this section and the special forest fire suppression account assessments under RCW 76.04.630. The forest protection assessments and special forest fire suppression account assessments shall be payable by nonfederal public bodies from available funds within thirty days following receipt of the written notice from the department which is given after October 1st of the year in which the protection was provided. Unpaid assessments are not a lien against the nonfederal publicly owned land but shall constitute a debt by the nonfederal public body to the department and are subject to interest charges at the legal rate. During the 2011-2013 fiscal biennium, the forest fire protection assessment account may be used by the office of financial management to contract for analysis and recommendations to improve the efficiency and effectiveness of the state's mechanisms for funding fire prevention and suppression activities.

(8) A public body, having failed to previously pay the forest protection assessments required of it by this section, which fails to suppress a fire on or originating from forest lands owned or administered by it, is liable for the costs of suppression incurred by the department or its agent and is not entitled to reimbursement of costs incurred by the public body in the suppression activities.

(9) The department may adopt rules to implement this section, including, but not limited to, rules on levying and collecting forest protection assessments.

**Sec. 918.** RCW 77.12.201 and 2009 c 479 s 63 are each amended to read as follows:

The legislative authority of a county may elect, by giving written notice to the director and the treasurer prior to January 1st of any year, to obtain for the following year an amount in lieu of real property taxes on game lands as provided in RCW 77.12.203. Upon the election, the county shall keep a record of all fines, forfeitures, reimbursements, and costs assessed and collected, in whole or in part, under this title for violations of law or rules adopted pursuant to this title, with the exception of the 2011-2013 fiscal biennium, and shall monthly remit an amount equal to the amount collected to the state treasurer for deposit in the state general fund. The election shall continue until the department is notified differently prior to January 1st of any year.

**Sec. 919.** RCW 77.12.203 and 2005 c 303 s 14 are each amended to read as follows:

(1) Except as provided in subsection (5) of this section and notwithstanding RCW 84.36.010 or other statutes to the contrary, the director shall pay by April 30th of each year on game lands in each county, if requested by an election under RCW 77.12.201, an amount in lieu of real property taxes equal to that amount paid on similar parcels of open space land taxable under chapter 84.34 RCW or the greater of seventy cents per acre per year or the amount paid in 1984 plus an additional amount for control of noxious weeds equal to that which would be paid if such lands were privately

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owned. This amount shall not be assessed or paid on department buildings, structures, facilities, game farms, fish hatcheries, tidelands, or public fishing areas of less than one hundred acres.

(2) "Game lands," as used in this section and RCW 77.12.201, means those tracts one hundred acres or larger owned in fee by the department and used for wildlife habitat and public recreational purposes. All lands purchased for wildlife habitat, public access or recreation purposes with federal funds in the Snake River drainage basin shall be considered game lands regardless of acreage.

(3) This section shall not apply to lands transferred after April 23, 1990, to the department from other state agencies.

(4) The county shall distribute the amount received under this section in lieu of real property taxes to all property taxing districts except the state in appropriate tax code areas the same way it would distribute local property taxes from private property. The county shall distribute the amount received under this section for weed control to the appropriate weed district.

(5) For the 2011-2013 fiscal biennium, the director shall pay by April 30th of each year on game lands in each county, if requested by an election under RCW 77.12.201, an amount in lieu of real property taxes and shall be distributed as follows:

**County**

<u>Adams</u> .....	<u>1,909</u>
<u>Asotin</u> .....	<u>36,123</u>
<u>Chelan</u> .....	<u>24,757</u>
<u>Columbia</u> .....	<u>7,795</u>
<u>Ferry</u> .....	<u>6,781</u>
<u>Garfield</u> .....	<u>4,840</u>
<u>Grant</u> .....	<u>37,443</u>
<u>Grays Harbor</u> .....	<u>7,264</u>
<u>Kittitas</u> .....	<u>143,974</u>
<u>Klickitat</u> .....	<u>21,906</u>
<u>Lincoln</u> .....	<u>13,535</u>
<u>Okanogan</u> .....	<u>151,402</u>
<u>Pend Oreille</u> .....	<u>3,309</u>
<u>Yakima</u> .....	<u>126,225</u>

These amounts shall not be assessed or paid on department buildings, structures, facilities, game farms, fish hatcheries, tidelands, or public fishing areas of less than one hundred acres.

**Sec. 920.** RCW 77.95.090 and 2009 c 340 s 4 are each amended to read as follows:

The dedicated regional fisheries enhancement group account is created in the custody of the state treasurer. Only the commission or the commission's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

A portion of each recreational fishing license fee shall be used as provided in RCW 77.32.440. A surcharge of one hundred dollars shall be collected on each commercial salmon fishery license, each salmon delivery license, and each salmon charter license sold in the state. All receipts shall be placed in the regional fisheries enhancement group account and shall be used exclusively for regional fisheries enhancement group projects for the purposes of RCW 77.95.110. For the 2011-2013 fiscal biennium, the regional fisheries enhancement group account may be used for the purposes of RCW 77.95.070 and hatcheries. Except as provided in RCW 77.95.320, funds from the regional fisheries enhancement group account shall not serve as replacement funding for department operated salmon projects that exist on January 1, 1991.

All revenue from the department's sale of salmon carcasses and eggs that return to group facilities shall be deposited in the regional fisheries enhancement group account for use by the regional fisheries enhancement group that produced the surplus. The commission shall adopt rules to implement this section pursuant to chapter 34.05 RCW.

**Sec. 921.** RCW 79.22.010 and 2003 c 334 s 205 are each amended to read as follows:

(1) The department has the power to accept gifts and bequests of money or other property, made in its own name, or made in the name of the state, to promote generally the interests of reforestation or for a specific named purpose in connection with reforestation, and to acquire in the name of the state, by purchase or gift, any lands which by reason of their location, topography, or geological formation, are chiefly valuable for purpose of developing and growing timber, and to designate such lands and any lands of the same character belonging to the state as state forest lands; and may acquire by gift or purchase any lands of the same character.

(2) The department has the power to seed, plant, and develop forests on any lands, purchased, acquired, or designated by it as state forest lands, and shall furnish such care and fire protection for such lands as it shall deem advisable.

(3) Upon approval of the board of county commissioners of the county in which the land is located such gift or donation of land may be accepted subject to delinquent general taxes thereon, and upon such acceptance of such gift or donation subject to such taxes, the department shall record the deed of conveyance thereof and file with the assessor and treasurer of the county wherein such land is situated, written notice of acquisition of such land, and that all delinquent general taxes thereon, except state taxes, shall be canceled, and the county treasurer shall thereupon proceed to make such cancellation in the records of the county treasurer. ~~((Thereafter, such lands))~~

(4)(a) Lands acquired under this section shall be held in trust, protected, managed, and administered upon, and the proceeds therefrom disposed of, under RCW 79.22.040.

(b) During the 2011-2013 fiscal biennium, the legislature may appropriate moneys derived subject to this section from the forest development account consistent with RCW 79.64.100(4).

**Sec. 922.** RCW 79.22.040 and 2003 c 334 s 206 are each amended to read as follows:

(1) If any land acquired by a county through foreclosure of tax liens, or otherwise, comes within the classification of land described in RCW 79.22.010 and can be used as state forest land and if the department deems such land necessary for the purposes of this chapter, the county shall, upon demand by the department, deed such land to the department and the land shall become a part of the state forest lands.

(2) Such land shall be held in trust and administered and protected by the department in the same manner as other state forest lands.

(3)(a) In the event that the department sells logs using the contract harvesting process described in RCW 79.15.500 through 79.15.530,

the moneys derived subject to this section are the net proceeds from the contract harvesting sale.

(b) During the 2011-2013 fiscal biennium, the legislature may appropriate moneys derived subject to this section from the forest development account consistent with RCW 79.64.100(4).

**Sec. 923.** RCW 79.64.040 and 2011 1st sp.s. c 50 s 966 and 2011 c 216 s 16 are each reenacted and amended to read as follows:

(1) The board shall determine the amount deemed necessary in order to achieve the purposes of this chapter and shall provide by rule for the deduction of this amount from the moneys received from all leases, sales, contracts, licenses, permits, easements, and rights-of-way issued by the department and affecting state lands, community forest trust lands, and aquatic lands, provided that no deduction shall be made from the proceeds from agricultural college lands.

(2) Moneys received as deposits from successful bidders, advance payments, and security under RCW 79.15.100, 79.15.080, and 79.11.150 prior to December 1, 1981, which have not been subjected to deduction under this section are not subject to deduction under this section.

(3) Except as otherwise provided in subsections (4) and (6) of this section, the deductions authorized under this section shall not exceed twenty-five percent of the moneys received by the department in connection with any one transaction pertaining to state lands and aquatic lands other than second-class tide and shore lands and the beds of navigable waters, and fifty percent of the moneys received by the department pertaining to second-class tide and shore lands and the beds of navigable waters.

(4) Deductions authorized under this section for transactions pertaining to community forest trust lands must be established at a level sufficient to defray over time the management costs for activities prescribed in a parcel's management plan adopted pursuant to RCW 79.155.080, and, if deemed appropriate by the board consistent with RCW 79.155.090, to reimburse the state and any local entities' eligible financial contributions for acquisition of the parcel.

(5) In the event that the department sells logs using the contract harvesting process described in RCW 79.15.500 through 79.15.530, the moneys received subject to this section are the net proceeds from the contract harvesting sale.

(6) During the ~~((2009-2011))~~ 2011-2013 fiscal biennium ~~((and fiscal year 2012))~~, the twenty-five percent limitation on deductions set in subsection (3) of this section may be increased up to thirty percent by the board.

**Sec. 924.** RCW 79.64.100 and 2003 c 334 s 219 are each amended to read as follows:

(1) There is created a forest development account in the state treasury. The state treasurer shall keep an account of all sums deposited therein and expended or withdrawn therefrom.

(2) Any sums placed in the forest development account shall be pledged for the purpose of paying interest and principal on the bonds issued by the department under RCW 79.22.080 and 79.22.090 and the provisions of this chapter, and for the purchase of land for growing timber. Any bonds issued shall constitute a first and prior claim and lien against the account for the payment of principal and interest. No sums for the above purposes shall be withdrawn or paid out of the account except upon approval of the department.

(3) Appropriations may be made by the legislature from the forest development account to the department for the purpose of carrying on the activities of the department on state forest lands, lands managed on a sustained yield basis as provided for in RCW 79.10.320, and for reimbursement of expenditures that have been made or may be made from the resource management cost account in the management of state forest lands.

(4) For the 2011-2013 fiscal biennium, moneys from the forest development account shall be distributed as directed in section 714

of this act to the beneficiaries of the revenues derived from state forest lands. During the 2011-2013 fiscal biennium, appropriations may be made by the legislature from the forest development account to the department for the purpose of emergency fire suppression.

**Sec. 925.** RCW 79.105.150 and 2011 2nd sp.s. c 9 s 911 are each amended to read as follows:

(1) After deduction for management costs as provided in RCW 79.64.040 and payments to towns under RCW 79.115.150(2), all moneys received by the state from the sale or lease of state-owned aquatic lands and from the sale of valuable material from state-owned aquatic lands shall be deposited in the aquatic lands enhancement account which is hereby created in the state treasury. After appropriation, these funds shall be used solely for aquatic lands enhancement projects; for the purchase, improvement, or protection of aquatic lands for public purposes; for providing and improving access to the lands; and for volunteer cooperative fish and game projects. During the 2009-2011 and 2011-2013 fiscal biennia, the aquatic lands enhancement account may also be used for scientific research as part of the adaptive management process and for developing a planning report for McNeil Island. During the 2009-2011 and 2011-2013 fiscal biennia, the legislature may transfer from the aquatic lands enhancement account to the state general fund such amounts as reflect excess fund balance of the account. During the 2011-2013 fiscal biennium, the aquatic lands enhancement account may be used to support the shellfish program, state parks, hatcheries, the ballast water program, and the Puget Sound toxic sampling program at the department of fish and wildlife, and the knotweed program at the department of agriculture. During the 2011- 2013 fiscal biennium, the legislature may transfer from the aquatic lands enhancement account to the marine resources stewardship trust account funds for the purposes of RCW 43.372.070.

(2) In providing grants for aquatic lands enhancement projects, the recreation and conservation funding board shall:

(a) Require grant recipients to incorporate the environmental benefits of the project into their grant applications;

(b) Utilize the statement of environmental benefits, consideration, except as provided in RCW 79.105.610, of whether the applicant is a Puget Sound partner, as defined in RCW 90.71.010, whether a project is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310, and except as otherwise provided in RCW 79.105.630, and effective one calendar year following the development and statewide availability of model evergreen community management plans and ordinances under RCW 35.105.050, whether the applicant is an entity that has been recognized, and what gradation of recognition was received, in the evergreen community recognition program created in RCW 35.105.030 in its prioritization and selection process; and

(c) Develop appropriate outcome-focused performance measures to be used both for management and performance assessment of the grants.

(3) To the extent possible, the department should coordinate its performance measure system with other natural resource-related agencies as defined in RCW 43.41.270.

(4) The department shall consult with affected interest groups in implementing this section.

(5) After January 1, 2010, any project designed to address the restoration of Puget Sound may be funded under this chapter only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

**Sec. 926.** RCW 79A.25.200 and 2007 c 241 s 53 are each amended to read as follows:

The recreation resource account is created in the state treasury. Moneys in this account are subject to legislative appropriation. The board shall administer the account in accordance with this chapter

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and chapter 79A.35 RCW and shall hold it separate and apart from all other money, funds, and accounts of the board. Moneys received from the marine fuel tax refund account under RCW 79A.25.070 shall be deposited into the account. Grants, gifts, or other financial assistance, proceeds received from public bodies as administrative cost contributions, and moneys made available to the state of Washington by the federal government for outdoor recreation may be deposited into the account. During the 2011-2013 fiscal biennia, the recreation resource account may be used by the department of fish and wildlife for the purposes of activities related to aquatic and marine enforcement.

**Sec. 927.** RCW 86.26.007 and 2011 1st sp.s. c 50 s 976 are each amended to read as follows:

The flood control assistance account is hereby established in the state treasury. At the beginning of the 2005-2007 fiscal biennium, the state treasurer shall transfer three million dollars from the general fund to the flood control assistance account. Each biennium thereafter the state treasurer shall transfer four million dollars from the general fund to the flood control assistance account, except that during the ~~((2009-2011 and))~~ 2011-2013 fiscal ~~((biennia))~~ biennium, the state treasurer shall transfer ~~((two))~~ one million dollars from the general fund to the flood control assistance account. Moneys in the flood control assistance account may be spent only after appropriation for purposes specified under this chapter.

**Sec. 928.** RCW 90.48.390 and 2008 c 329 s 925 are each amended to read as follows:

The coastal protection fund is established to be used by the department as a revolving fund for carrying out the purposes of restoration of natural resources under this chapter and chapter 90.56 RCW. To this fund there shall be credited penalties, fees, damages, charges received pursuant to the provisions of this chapter and chapter 90.56 RCW, compensation for damages received under this chapter and chapter 90.56 RCW, and an amount equivalent to one cent per gallon from each marine use refund claim under RCW 82.36.330.

Moneys in the fund not needed currently to meet the obligations of the department in the exercise of its powers, duties, and functions under RCW 90.48.142, 90.48.366, 90.48.367, and 90.48.368 shall be deposited with the state treasurer to the credit of the fund. During the 2007-2009 fiscal biennium, the coastal protection fund may also be used for a standby rescue tug at Neah Bay. During the 2011-2013 fiscal biennium, the legislature may transfer from the coastal protection fund to the state general fund such amounts as reflect excess fund balance derived from penalties, forfeits, and seizures.

**NEW SECTION. Sec. 929.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 930.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

(End of bill)"

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Senators Holmquist Newbry, Kastama, Zarelli and Sheldon spoke in favor of adoption of the striking amendment.

Senators Hargrove, Kilmer, Brown, Murray, Ranker, Kohl-Welles, Nelson, Eide and Keiser spoke against adoption of the striking amendment.

MOTION

Senator Brown moved that the following amendment by Senators Murray, Harper and Regala to the striking amendment be adopted.

On page 18, line 1, strike "\$35,648,000" and insert "\$45,568,000"

On page 18, line 3, strike "\$36,826,000" and insert "\$69,471,000"

On page 18, beginning on line 34, strike "~~(\$17,498,000)~~" and insert "\$23,498,000" and insert "\$17,498,000"

On page 19, line 6, strike "\$488,774,000" and insert "\$452,209,000"

On page 21, line 23, strike "\$4,291,000" and insert "\$14,212,000"

On page 21, line 24, strike "~~((and \$39,527,000)), \$6,882,000~~" and insert "and \$39,527,000"

On Page 21, line 25, after "2013" strike everything through "appropriation" on line 26

On page 21, beginning on line 37, strike everything through line 15 on page 22 and insert the following:

"(a) Of the amounts provided in this subsection, \$4,000,000 is provided solely for essential needs to clients who meet the eligibility established in Engrossed Substitute House Bill No. 2082. Counties and community-based organizations shall distribute basic essential products in a manner that prevents abuse. To the greatest extent possible, the counties or community-based organizations shall leverage local or private funds, and volunteer support to acquire and distribute the basic essential products.

(b) Of the amounts provided in this subsection, \$30,000,000 is provided solely for housing support services to individuals who are

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homeless and eligible for services under this program pursuant to Engrossed Substitute House Bill No. 2082.

MOTION

(c) Of the amounts provided in this subsection, \$30,000,000 is provided solely as a contingency fund to provide housing support services for individuals who may become homeless and are otherwise eligible for this program pursuant to Engrossed Substitute House Bill No. 2082."

Senators Brown and Hargrove spoke in favor of adoption of the amendment to the striking amendment.

Senator Schoesler spoke against adoption of the amendment to the striking amendment.

Senator Eide demanded a roll call.

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

Senator Murray 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 Murray, Harper and Regala on page 18, line 1 to the striking amendment to Senate Bill No. 5967.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senators Harper, Murray and Regala to the striking amendment and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

MOTION

Senator Ranker moved that the following amendment by Senators Ranker and Harper to the striking amendment be adopted:

On page 18, line 1 strike "\$35,648,000" and insert "\$36,125,000"

On page 18, line 3, strike "\$36,826,000" and insert "\$37,355,000"

On page 19, line 6, strike "\$488,774,000" and insert "\$489,780,000"

Senators Ranker and Chase spoke in favor of adoption of the amendment to the striking amendment.

Senators Schoesler and Carrell spoke against adoption of the amendment to the striking amendment.

Senator Ranker demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was not sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senators Ranker and Harper on page 18, line 1 to the striking amendment to Senate Bill No. 5967.

The motion by Senator Ranker failed and the amendment to the striking amendment was not adopted by voice vote.

Senator Ranker moved that the following amendment by Senators Ranker, Harper and Fraser to the striking amendment be adopted:

On page 18, line 1 strike "\$35,648,000" and insert "\$35,795,000"

On page 18, line 3, strike "\$36,826,000" and insert "\$37,216,000"

On page 19, line 6, strike "\$488,774,000" and insert "\$489,311,000"

WITHDRAWAL OF AMENDMENT

On motion of Senator Ranker, the amendment by Senators Ranker, Harper and Fraser on page 18, line 1 to the striking amendment to Senate Bill No. 5967 was withdrawn.

MOTION

Senator Murray moved that the following amendment by Senator Murray to the striking amendment be adopted:

On page 18, line 1 strike "\$35,648,000" and insert "\$35,731,000"

On page 18, line 3, strike "\$36,826,000" and insert "\$37,024,000"

On page 19, line 6, strike "\$488,774,000" and insert "\$489,055,000"

On page 19, line 36, strike "~~\$(498,000)~~ \$115,000" and insert "\$198,000"

On page 19, line 37, after "2012" strike everything through "is" on page 20, line 1 and insert "and \$198,000 of the general fund--state appropriation for fiscal year 2013 are"

Senator Murray spoke in favor of adoption of the amendment to the striking amendment.

Senator Ericksen spoke against 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 Murray on page 18, line 1 to the striking amendment to Senate Bill No. 5967.

The motion by Senator Murray failed and the amendment to the striking amendment was not adopted by voice vote.

MOTION

Senator Kilmer moved that the following amendment by Senator Kilmer and others to the striking amendment be adopted.

On page 18, line 3, strike "\$36,826,000" and insert "\$37,355,000"

On page 19, line 6, strike "\$488,774,000" and insert "\$488,890,000"

Senators Kilmer, Chase and Shin spoke in favor of adoption of the amendment to the striking amendment.

Senators Ericksen and Benton spoke against adoption of the amendment to the striking amendment.

Senator Eide demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Kilmer and others on page 18, line 3 to the striking amendment to Senate Bill No. 5967.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Kilmer and others to the striking amendment and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

#### MOTION

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

On page 18, line 5, strike "\$338,284,000" and insert "\$341,633,000"

On page 19, line 6, strike "\$488,774,000" and insert "\$492,122,000"

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Ranker, the amendment by Senator Ranker and others on page 18, line 5 to the striking amendment to Senate Bill No. 5967 was withdrawn.

#### MOTION

Senator Regala moved that the following amendment by Senators Regala and Brown to the striking amendment be adopted.

On page 66, line 6, increase the General Fund--State appropriation fiscal year 2012 by \$17,950,000 and adjust the total appropriation accordingly.

On page 66, line 8, increase the General Fund--State appropriation fiscal year 2013 by \$127,925,000 and adjust the total appropriation accordingly.

On page 66, after line 15, strike all material down through page 67, including line 30 and insert:

" (1) (~~(\$258,880,000)~~) \$140,000,000 of the general fund--state appropriation for fiscal year 2012, (~~(\$297,296,000)~~) \$140,000,000 of the general fund--state appropriation for fiscal year 2013, and (~~(\$710,173,000)~~) \$288,741,000 of the general fund--federal appropriation are provided solely for (~~all components of the WorkFirst program~~) assistance to clients including grants, diversion cash assistance under RCW 74.08A.210, and tribal assistance under RCW 74.08A.040. Under section 2 of Engrossed Substitute Senate Bill No. 5921 (social services programs), the amounts in this subsection assume that any participant in the temporary assistance for needy families where their participation is suspended and does not volunteer to participate in WorkFirst services or unsubsidized employment does not receive child care subsidies or WorkFirst subsidies as a condition of the suspension. Within the amounts provided (~~for the WorkFirst program~~) in this subsection, the department may provide assistance using state-only funds for families eligible for temporary assistance for needy families.

(2)(a) \$15,000,000 of the general fund--state appropriation for fiscal year 2012, \$15,000,000 of the general fund--state appropriation for fiscal year 2013, and \$111,386,000 of the general fund--federal appropriation are provided solely for WorkFirst job search, education and training activities, and

barrier removal services. Funding appropriated in this subsection (2)(a) must be allocated using a formula that accounts for client caseload and client outcomes, including outcome and accountability measures adopted by the legislative-executive WorkFirst oversight task force under RCW 74.08A.260 and outcomes under RCW 74.08A.410. Funding must be allocated using this formula beginning July 1, 2012. The department shall present this formula, including outcome data, to the legislative-executive WorkFirst oversight task force by July 1, 2012.

~~((a))~~ (b) Within the amounts provided for WorkFirst in this subsection, the department shall continue to implement WorkFirst program improvements that are designed to achieve progress against outcome measures specified in RCW 74.08A.410.

~~((b))~~ (c) The department may establish a career services work transition program.

~~((c) Within the amounts provided in this subsection, \$1,414,000 of the general fund--state appropriation for fiscal year 2012 and \$5,150,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the implementation and administration of the electronic benefit transfer system under section 12 of Engrossed Substitute Senate Bill No. 5921 (social services programs). The department shall transfer these amounts to the department of early learning for the implementation and administration of the project.)~~

(d) Within amounts appropriated in this subsection, the legislature expressly mandates that the department exercise its authority, granted in 1997 under RCW 74.08A.290, to contract for work activities services pursuant to that statutory authority and RCW 41.06.142(3).

(3) \$44,729,000 of the general fund--state appropriation for fiscal year 2012, \$48,967,000 of the general fund--state appropriation for fiscal year 2013, and \$246,921,000 of the general fund--federal appropriation are provided solely for the working connections child care program under RCW 43.215.135.

~~((e))~~ (4) The department shall create a temporary assistance for needy families budget structure that allows for more transparent tracking of budget units and subunits of expenditures where these units and subunits are mutually exclusive from other department budget units. The budget structure shall include budget units for the following: Grants, child care, WorkFirst activities, and administration of the program. The department shall make quarterly expenditure reports to the legislative-executive WorkFirst oversight task force and legislative fiscal committees.

~~((2)(a) \$11,825,000)~~ (5) \$26,825,000 of the general fund--federal appropriation is provided solely for a contingency reserve in the event (~~the temporary assistance for needy families cash benefit is~~) that expenditures under subsections (1) and (3) of this section are projected to exceed (~~forecasted amounts by more than one percent~~) the appropriated amounts. The department shall only expend an amount equal to the forecasted over-expenditure. For purposes of this subsection, the temporary assistance forecast shall be completed every quarter and follow a similar schedule of the caseload forecast council forecasts. The department shall report to the legislative-executive WorkFirst oversight task force and legislative fiscal committees the need to access the contingency reserve.

~~((b) If sufficient savings in subsection (1) of this section are achieved, the department of early learning shall increase the number of child care slots available for the working connections child care program.)~~ (6) The amounts in subsections (1) through (5) of this section shall be expended for the programs and in the amounts specified. However, the department may transfer funding between subsections (1) and (3) of this section, but only

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if the funding is available to transfer solely due to utilization or caseload changes. Amounts in subsection (2) of this section may be transferred to subsections (1) or (3) of this section. The approval of the director of financial management is required prior to any transfer under this subsection. The department shall provide notification prior to any transfer to the appropriate legislative committees and the legislative-executive WorkFirst oversight task force."

On page 179, line 24, increase the General Fund--State appropriation fiscal year 2012 by \$50,000 and adjust the total appropriation accordingly.

On page 179, line 26, increase the General Fund--State appropriation fiscal year 2013 by \$2,075,000 and adjust the total appropriation accordingly.

On page 181, line 16, after "(7)", insert the following: "(a) \$153,558,000 of the general fund--federal appropriation is provided solely for the working connections child care program under RCW 43.215.135.

(b)"

On page 181, after line 21, insert the following:

"(c) The department is directed to examine, and revise if necessary, the good cause exemptions to the child support requirements for the working connections child care program, in cooperation with the department of social and health services and the office of financial management, to determine if additional exemptions may be necessary to prevent potential clients from being unable to access the program.

(8)(a) \$50,000 of the general fund--state appropriation for fiscal year 2012 and \$1,050,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for implementation and administration of an electronic benefit transfer system. The system shall include electronic time keeping, integrated with an eligibility information technology system, and an electronic payment system. The department shall coordinate implementation of this system with the department of social and health services.

(b) \$100,000 of the general fund--state appropriation in this subsection is provided solely for the department to contract for an independent consultant to evaluate and recommend the optimum system for the eligibility determination process. The evaluation must include an analysis of lean management processes that, if adopted, could improve the cost effectiveness and delivery of eligibility determination. The department shall coordinate with the department of social and health services for this evaluation. The department must report to the office of financial management and the appropriate fiscal and policy committees of the legislature by December 1, 2012."

On page 181, line 26, after "fiscal committees", insert "and the legislative-executive WorkFirst oversight task force"

On page 182, after line 6, insert the following:

"(13) \$1,025,000 of the general fund--state appropriation for fiscal year 2013 and \$6,712,000 of the general fund--federal appropriation are provided solely for the seasonal child care program."

Renumber sections accordingly.

Senators Regala, Brown, Murray and Kilmer spoke in favor of adoption of the amendment to the striking amendment.

Senator Zarelli spoke against adoption of the amendment to the striking amendment.

Senator Hewitt spoke on adoption of the amendment.

Senator Eide demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senators Regala and Brown on page 66, line 6 to the striking amendment to Senate Bill No. 5967.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senators Regala and Brown to the striking amendment and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

#### MOTION

Senator Murray moved that the following amendment by Senator Murray and others to the striking amendment be adopted.

On page 66, line 8, increase the General Fund--State Appropriation for fiscal year 2013 by \$13,884,000

On page 69, starting on line 14 strike all material down through and including line 18, and insert the following:

"(8) To ensure expenditures remain within available funds appropriated in this section, the legislature establishes the benefit under the state food assistance program, pursuant to RCW 74.08A.120, to be fifty percent of the federal supplemental nutrition assistance program benefit amount."

Senator Murray spoke in favor of adoption of the amendment to the striking amendment.

Senator Ericksen spoke against adoption of the amendment to the striking amendment.

Senator Eide demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Murray and others on page 66, line 8 to the striking amendment to Senate Bill No. 5967.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Murray and others to the striking amendment and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

#### MOTION

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

On page 69, line 8, strike "\$71,649,000" and insert "\$72,924,000".

On page 69, line 10, strike "\$66,986,000" and insert "\$70,812,000".

On page 69, line 12, strike "\$164,526,000" and insert "\$179,264,000".

On page 69, line 19, strike "\$338,843,000" and insert "\$358,682,000".

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

Senator Zarelli spoke against 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 Hargrove on page 69, line 8 to the striking amendment to Senate Bill No. 5967.

The motion by Senator Hargrove failed and the amendment to the striking amendment was not adopted by voice vote.

#### MOTION

Senator Keiser moved that the following amendment by Senator McAuliffe to the striking amendment be adopted.

On page 73, line 3, increase the general fund-state appropriation for fiscal year 2012 by \$684,000 and adjust the totals accordingly.

On page 73, line 5, increase the general fund-state appropriations for fiscal year 2013 by \$2,691,000 and adjust the totals accordingly.

On page 73, line 9, reduce the general fund-private/local appropriation by \$3,375,000 and adjust the totals accordingly.

On page 83, beginning on line 11, strike everything after "arrangement." down through and including "2012," on line 12 and insert "Under the arrangement,".

On page 150, line 10, strike "\$680,439,000", and insert "\$679,834,000".

Adjust the total appropriation accordingly.

On page 151, line 30, after "year 2012, ", strike "~~(\$34,200,000)~~ \$34,805,000", and insert "\$34,200,000".

Senators Keiser, McAuliffe, Brown and Murray spoke in favor of adoption of the amendment to the striking amendment.

Senators Schoesler and Zarelli spoke against adoption of the amendment to the striking amendment.

Senator Eide demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator McAuliffe on page 73, line 3 to the striking amendment to Senate Bill No. 5967.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator McAuliffe to the striking amendment and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

#### MOTION

Senator Hargrove moved that the following amendment by Senator Hargrove to the striking amendment be adopted.

On page 73, line 3, increase the general fund-state appropriation for fiscal year 2012 by \$2,872,000 and adjust the totals accordingly.

On page 73, line 5, increase the general fund-state appropriation for fiscal year 2013 by \$38,085,000 and adjust the totals accordingly.

On page 73, line 7, increase the general fund-federal appropriation by \$44,121,000 and adjust the totals accordingly.

On page 87, line 13, after "(41)", strike everything down through and including "services." on line 20 and insert the following: "Within the funds appropriated in this section, the health care authority shall continue to provide medical care services for persons enrolled in the disability lifeline and the alcohol and drug abuse treatment services act programs."

Senators Hargrove and Harper spoke in favor of adoption of the amendment to the striking amendment.

Senator Zarelli spoke against adoption of the amendment to the striking amendment.

Senator Eide demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Hargrove on page 73, line 3 to the striking amendment to Senate Bill No. 5967.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Hargrove to the striking amendment and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

#### MOTION

Senator Keiser moved that the following amendment by Senators Keiser and Murray to the striking amendment be adopted:

On page 73, line 3, increase the general fund-state appropriation for fiscal year 2012 by \$3,934,000 and adjust the totals accordingly.

On page 73, line 5, increase the general fund-state appropriation for fiscal year 2013 by \$911,000 and adjust the totals accordingly.

On page 79, beginning on line 30, strike everything after "(b)" down through and including "low-income" on line 31 and insert "one half of the indigent assistance".

On page 80, line 14, strike "\$4,168,000" and insert "\$8,102,000".

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On page 80, line 15, after "2012", strike everything through "~~appropriated~~)" and insert ", of which \$6,570,000 is appropriated".

On page 80, line 16, strike "\$2,251,000" and insert "\$3,162,000".

Senators Keiser and Kline spoke in favor of adoption of the amendment to the striking amendment.

Senator Schoesler spoke against 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 Keiser and Murray on page 73, line 3 to the striking amendment to Senate Bill No. 5967.

The motion by Senator Keiser failed and the amendment to the striking amendment was not adopted by voice vote.

MOTION

Senator Brown moved that the following amendment by Senator Brown and others to the striking amendment be adopted.

On page 94, beginning on line 4, increase the General Fund--State Appropriation in fiscal year 2013 by \$6,000,000.

Adjust the total appropriation accordingly.

Re-number the remaining sections consecutively and correct any internal references accordingly.

Senator Brown spoke in favor of adoption of the amendment to the striking amendment.

Senator Parlette spoke against adoption of the amendment to the striking amendment.

Senator Eide demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Brown and others on page 94, line 4 to the striking amendment to Senate Bill No. 5967.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Brown and others to the striking amendment and the amendment was not adopted by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hargrove, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

MOTION

Senator Keiser moved that the following amendment by Senators Keiser and Prentice to the striking amendment be adopted:

On page 94, beginning on line 4, increase the General Fund--State Appropriation in fiscal year 2013 by \$5,000,000.

Adjust the total appropriation accordingly.

Senators Keiser, Murray, McAuliffe and Haugen spoke in favor of adoption of the amendment to the striking amendment.

Senator Pflug spoke against 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 Keiser and Prentice on page 94, line 4 to the striking amendment to Senate Bill No. 5967.

The motion by Senator Keiser failed and the amendment to the striking amendment was not adopted by voice vote.

MOTION

Senator Ranker moved that the following amendment by Senator Ranker and others to the striking amendment be adopted.

On page 94, line 5, increase the General Fund State appropriation for fiscal year 2013 by \$16,703,000

On page 94, line 26, decrease the State Toxics Control Account--State Appropriation by \$16,703,000

On page 105, line 7, increase the General Fund State appropriation for fiscal year 2012 by \$18,049,000

On page 105, line 9, increase the General Fund State appropriation for fiscal year 2013 by \$18,049,000

On page 106, line 11, decrease the State Toxics Control Account appropriation by \$36,098,000

On page 121, line 15, increase the General Fund State appropriation for fiscal year 2012 by \$2,511,000

On page 121, line 17, increase the General Fund State appropriation for fiscal year 2013 by \$2,511,000

On page 121, line 25, decrease the State Toxics Control account appropriation by \$5,022,000

On page 170, line 7, increase the General Fund State appropriation for fiscal year 2013 by \$5,000,000

On page 170, delete line 11

On page 171, line 25, increase the General Fund State appropriation for fiscal year 2013 by \$5,000,000

On page 171, delete line 27

Adjust all total appropriations accordingly

Senators Ranker, Fraser and Kilmer spoke in favor of adoption of the amendment to the striking amendment.

Senator Schoesler spoke against adoption of the amendment to the striking amendment.

Senator Eide demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Ranker and others on page 94, line 5 to the striking amendment to Senate Bill No. 5967.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Ranker and the amendment to the striking amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

MOTION

Senator Nelson moved that the following amendment by Senator Nelson to the striking amendment be adopted:

On page 105, line 7, strike "\$28,948,000" and insert "\$47,627,000"

On page 105, line 9, strike "\$24,642,000" and insert "\$46,221,000"

On page 105, line 11, strike "\$100,154,000" and insert "\$100,342,000"

On page 105, line 13, strike "\$16,730,000" and insert "\$16,731,000"

On page 105, line 17, strike "\$4,643,000" and insert "\$3,642,000"

On page 105, line 20, strike "\$1,933,000" and insert "\$1,940,000"

On page 105, line 25, strike "\$9,742,000" and insert "\$11,478,000"

On page 105, line 31, strike "\$422,000" and insert "\$423,000"

On page 106, line 1, strike "\$622,000" and insert "\$624,000"

On page 106, line 4, strike "\$723,000" and insert "\$740,000"

On page 106, line 7, strike "\$1,661,000" and insert "\$1,668,000"

On page 106, line 9, strike "\$135,000" and insert "\$136,000"

On page 106, line 11, strike "\$148,563,000" and insert "\$114,897,000"

On page 106, line 14, strike "\$966,000" and insert "\$968,000"

On page 106, line 16, strike "\$26,207,000" and insert "\$27,389,000"

On page 106, line 18, strike "\$39,066,000" and insert "\$38,345,000"

On page 106, line 21, strike "\$3,239,000" and insert "\$3,254,000"

On page 106, line 23, strike "\$1,797,000" and insert "\$1,805,000"

On page 106, line 26, strike "\$5,835,000" and insert "\$5,857,000"

On page 106, line 28, strike "\$2,545,000" and insert "\$2,630,000"

On page 106, line 30, strike "\$5,542,000" and insert "\$5,566,000"

On page 106, line 32, strike "\$3,285,000" and insert "\$2,744,000"

On page 106, line 35, strike "\$1,698,000" and insert "\$1,700,000"

On page 107, line 2, strike "\$610,000" and insert "\$611,000"

On page 107, line 4, strike "\$2,509,000" and insert "\$2,517,000"

On page 107, line 7, strike "\$440,359,000" and insert "\$447,977,000"

On page 197, line 3, strike "~~(\$3,500,000)~~ \$4,847,000" and insert "\$3,500,000"

On page 197, line 4, strike "~~(\$3,500,000)~~ \$4,847,000" and insert "\$3,500,000"

Change total accordingly

On page 199, beginning on line 33, strike all material down through and including "\$116,000" on line 2 of page 200

On page 199, delete lines 15 through 17

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Nelson, the amendment by Senator Nelson on page 105, line 7 to the striking amendment to Senate Bill No. 5967 was withdrawn.

#### MOTION

Senator Nelson moved that the following amendment by Senator Nelson to the striking amendment be adopted:

On page 110, after line 32, insert the following:

"(16) In accordance with RCW 43.135.055, the department is authorized to adopt fees set forth in and previously authorized by the following statutes:

(a) RCW 70.275.120, mercury light generation fee; and

(b) RCW 70.94.151, gasoline vapor registration fee and greenhouse gas emission reporting fee."

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Nelson, the amendment by Senator Nelson on page 110, line 32 to the striking amendment to Senate Bill No. 5967 was withdrawn.

#### MOTION

Senator McAuliffe moved that the following amendment by Senators McAuliffe and others to the striking amendment be adopted:

On page 127, line 9, increase General Fund--State Appropriation for Fiscal Year 2013 by \$2,808,000 and adjust total appropriation accordingly.

On page 131, beginning on line 18, strike "~~(and \$2,808,000 of the general fund--state appropriation for fiscal year 2013 are)~~ is", and insert "and \$2,808,000 of the general fund--state appropriation for fiscal year 2013 are".

Senators McAuliffe and Murray spoke in favor of adoption of the amendment to the striking amendment.

Senator Litzow spoke against 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 McAuliffe and others on page 127, line 9 to the striking amendment to Senate Bill No. 5967.

The motion by Senator McAuliffe failed and the amendment to the striking amendment was not adopted by voice vote.

#### MOTION

Senator Eide moved that the following amendment by Senator Brown to the striking amendment be adopted:

On page 127, line 9, increase general fund--state appropriation for fiscal year 2013 by \$1,000,000 and adjust total appropriations accordingly.

On page 131, line 12, strike "~~(and \$1,000,000 of the general fund--state appropriation for fiscal year 2013 are)~~ is", and insert "and \$1,000,000 of the general fund--state appropriation for fiscal year 2013 are".

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Eide, the amendment by Senator Brown on page 127, line 9 to the striking amendment to Senate Bill No. 5967 was withdrawn.

#### MOTION

On motion of Senator Schoesler, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

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EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

page 156, line 20 to the striking amendment to Senate Bill No. 5967.

The motion by Senator Nelson failed and the amendment to the striking amendment was not adopted by voice vote.

#### MOTION

Senator Rolfes moved that the following amendment by Senator Rolfes to the striking amendment be adopted.

On page 132, line 16, strike "\$5,162,497,000", and insert "\$5,170,853,000".

Adjust total appropriations accordingly.

On page 142, line 12, after "(17) ", strike "~~((Beginning in the 2011-12 school year,))~~ S", and insert "Beginning in the 2011-12 school year, s".

On page 142, line 14, after "1.2 FTE ", strike "for the 2011-12 school year and 1.0 FTE for the 2012-13 school year".

On page 142, line 16, after "combined 1.2 ", strike "or 1.0".

Senators Rolfes and Frockt spoke in favor of adoption of the amendment to the striking amendment.

Senator Hill spoke against adoption of the amendment to the striking amendment.

Senator Eide demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Rolfes on page 132, line 16 to the striking amendment to Senate Bill No. 5967.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Rolfes and the amendment to the striking amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

#### MOTION

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

On page 156, line 20, increase General Fund--State appropriation for Fiscal Year 2013 by \$950,000 and adjust total appropriations accordingly.

On page 159, beginning on line 6, strike "~~((and \$950,000 of the general fund--state appropriation for fiscal year 2013 are))~~ is", and insert "and \$950,000 of the general fund--state appropriation for fiscal year 2013 are".

Senators Nelson, McAuliffe, Murray and Rolfes spoke in favor of adoption of the amendment to the striking amendment.

Senators Litzow and Schoesler spoke against 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 Nelson and others on

#### MOTION

Senator Frockt moved that the following amendment by Senators Frockt, Harper, McAuliffe and Rolfes to the striking amendment be adopted.

On page 156, line 20, strike "\$72,279,000", and insert "\$73,279,000".

Adjust total appropriation accordingly.

On page 161, line 4, after "year 2012 ", strike "~~((and \$1,000,000 of the general fund state appropriation for fiscal year 2013 are))~~ is", and insert "and \$1,000,000 of the general fund-state appropriation for fiscal year 2013 are".

Senators Frockt and Brown spoke in favor of adoption of the amendment to the striking amendment.

Senator Ericksen spoke against adoption of the amendment to the striking amendment.

Senator Eide demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senators Frockt, Harper, McAuliffe and Rolfes on page 156, line 20 to the striking amendment to Senate Bill No. 5967.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senators Frockt, Harper, McAuliffe and Rolfes and the amendment to the striking amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

#### MOTION

Senator Murray moved that the following amendment by Senators Harper, McAuliffe and Rolfes to the striking amendment be adopted.

On page 156, line 20, strike "\$72,279,000", and insert "\$75,513,000".

Adjust total appropriation accordingly.

On page 159, line 28, after "year 2012 ", strike "~~((and \$3,234,000 of the general fund state appropriation for fiscal year 2013 are))~~ is", and insert "and \$3,234,000 of the general fund-state appropriation for fiscal year 2013 are".

Senators Murray and McAuliffe spoke in favor of adoption of the amendment to the striking amendment.

Senators Schoesler and Carrell spoke against adoption of the amendment to the striking amendment.

Senator Eide demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senators Harper, McAuliffe and Rolfes on page 156, line 20 to the striking amendment to Senate Bill No. 5967.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senators Harper, McAuliffe and Rolfes and the amendment to the striking amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

#### MOTION

Senator Hargrove moved that the following amendment by Senator Hargrove and others to the striking amendment be adopted.

On page 156, line 20, strike "\$72,279,000" and insert "\$90,017,000".

Adjust total appropriation accordingly.

On page 157, line 28, after "~~(((\$40,681,000))~~ ", strike "\$21,555,000" and insert "\$39,293,000".

On page 157, line 34, after "a bonus of ", strike "~~(((\$5,090))~~ \$2,500", and insert "\$5,090".

On page 158, line 14, after "Bonuses in (a)", strike "~~((+and))~~", and insert "(i) and".

Senators Hargrove, Conway, Frockt, Murray, Brown and Kilmer spoke in favor of adoption of the amendment to the striking amendment.

Senator Zarelli spoke against adoption of the amendment to the striking amendment.

Senator Brown demanded a roll call.

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

#### POINT OF ORDER

Senator Benton: "Mr. President, I believe the member from the twenty-sixth is stepping very close in impugning the motives of the maker of the bill."

#### REPLY BY THE PRESIDENT

President Owen: "The President knows that it is getting late and the people are getting a little stressed so please be careful of your comments in the future. Senator Kohl-Welles."

Senators Kohl-Welles and Rolfes 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 Hargrove and others on page 156, line 20 to the striking amendment to Senate Bill No. 5967.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Hargrove and others and the amendment to the striking amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

#### MOTION

Senator Nelson moved that the following amendment by Senator Nelson to the striking amendment be adopted.

On page 156, line 20, strike "\$72,279,000", and insert "\$75,513,000".

Adjust total appropriation accordingly.

On page 159, line 28, after "year 2012 ", strike "~~((and \$3,234,000 of the general fund state appropriation for fiscal year 2013 are))~~ is", and insert "and \$3,234,000 of the general fund-state appropriation for fiscal year 2013 are".

On page 210, after line 20, insert the following"

**Sec. 912.** RCW 15.76.115 and 2011 1st sp.s. c 50 s 926 are each amended to read as follows:

The fair fund is created in the custody of the state treasury. All moneys received by the department of agriculture for the purposes of this fund and from RCW 67.16.105(7) shall be deposited into the fund. At the beginning of fiscal year 2002 and each fiscal year thereafter, with the exception of fiscal year 2013, the state treasurer shall transfer into the fair fund from the general fund the sum of two million dollars (~~(except for fiscal year 2011 the state treasurer shall transfer into the fair fund from the general fund the sum of one million one hundred three thousand dollars, and except during fiscal year 2012 and fiscal year 2013 the state treasurer shall transfer into the fair fund from the general fund the sum of one million seven hundred fifty thousand dollars each fiscal year.))~~—Expenditures from the fund may be used only for assisting fairs in the manner provided in this chapter. Only the director of agriculture or the director's designee may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures. During fiscal year 2012, the legislature may transfer from the fair account to the general fund for the purposes of the readiness to learn program, such amounts as reflect the excess fund balance in the account.

Senators Nelson and Kilmer spoke in favor of adoption of the amendment to the striking amendment.

Senator Schoesler spoke against adoption of the amendment to the striking amendment.

Senator Eide demanded a roll call.

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

#### POINT OF ORDER

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Senator Padden: “Mr. President, again I would remind the gentleman from the twenty-sixth district about Rule 7.1, indecorous conduct. I would ask the President to take note of that and admonish the speaker. This is the second time.”

REPLY BY THE PRESIDENT

President Owen: “The President would remind all members that you’re to make your comments relative to the issue and not to the members or the actions of the members but to the issues in itself of the merits or demerits of those issues so please try to remember that even though it’s a very emotional evening.”

Senators Harper, Brown, Haugen and Chase spoke in favor of adoption of the amendment to the striking amendment.

Senators Honeyford and Erickson spoke against adoption of the amendment to the striking amendment.

POINT OF ORDER

Senator Schoesler: “I can’t understand how family planning has anything to do with transferring fair money to readiness to learn. Can the kind lady speak to the subject at hand?”

REPLY BY THE PRESIDENT

President Owen: “Senator Chase, it is true that your debate must be relative to the issue at hand.”

Senator Swecker spoke against adoption of the amendment to the striking amendment.

Senator McAuliffe 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 Nelson on page 156, line 20 to the striking amendment to Senate Bill No. 5967.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Nelson and the amendment to the striking amendment was not adopted by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hatfield, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

MOTION

Senator Kilmer moved that the following amendment by Senators Kilmer and Harper to the striking amendment be adopted.

On page 168, line 9, increase the appropriation by \$13,101,000 and adjust the total accordingly.

On page 170, line 7, increase the appropriation by \$9,956,000 and adjust the total accordingly.

On page 171, line 25, increase the appropriation by \$4,235,000 adjust the total accordingly.

On page 172, line 28, increase the appropriation by \$762,000 and adjust the total accordingly.

On page 173, line 11, increase the appropriation by \$705,000 and adjust the total accordingly.

On page 173, line 26, increase the appropriation by \$332,000 and adjust the total accordingly.

On page 176, line 18, increase the appropriation by \$821,000 and adjust the total accordingly.

Senators Kilmer, Brown, Conway, Frockt and Kohl-Welles spoke in favor of adoption of the amendment to the striking amendment.

Senator Hill spoke against adoption of the amendment to the striking amendment.

Senator Eide demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senators Kilmer and Harper on page 168, line 9 to the striking amendment to Senate Bill No. 5967.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senators Kilmer and Harper and the amendment to the striking amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

MOTION

On motion of Senator Eide and without objections, the amendments on page 170, line 5 by Senator Frockt; on page 173, line 24 by Senators Keiser and Frockt; on page 182, line 11 by Senator Pridemore; on page 182, line 11 by Senators Frockt, Chase and Harper; on page 182, line 29 by Senator Pridemore; on page 186, line 29 by Senators Frockt, Chase, Fraser and Eide’ on page 192, after line 9 by Senator Conway were withdrawn.

MOTION

Senator Frockt moved that the following amendment by Senator Frockt to the striking amendment be adopted:

On page 177, line 21, increase the appropriation by \$500,000. Adjust the total accordingly.

Senators Frockt, Shin, Hill and Murray 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 Frockt on page 177, line 21 to the striking amendment to Senate Bill No. 5967.

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

MOTION

Senator Conway moved that the following amendment by Senator Conway and others to the striking amendment be adopted.

On page 185, after line 3, strike everything through line 2 on page 186.

Re-number the remaining sections consecutively and correct any internal references accordingly.

Senator Conway spoke in favor of adoption of the amendment to the striking amendment.

Senator Schoesler spoke against adoption of the amendment to the striking amendment.

Senator Eide demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Conway and others on page 185, after line 3 to the striking amendment to Senate Bill No. 5967.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Conway and the amendment to the striking amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Zarelli as amended to Senate Bill No. 5967.

#### POINT OF ORDER

Senator Zarelli: "Adopt this or roll it to third reading at this point?"

#### REPLY BY THE PRESIDENT

President Owen: "This is still an amendment, this is the striking amendment. We have not adopted it yet."

Senators Hargrove, Kilmer, Brown, Murray, Ranker, Kohl-Welles, Nelson, Eide and Keiser spoke against adoption of the striking amendment as amended.

Senators Holmquist-Newbry, Kastama, Zarelli and Sheldon spoke in favor of adoption of the striking amendment as amended.

Senator Eide demanded a roll call.

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

#### ROLL CALL

The Secretary called the roll on the adoption of the striking amendment by Senator Zarelli as amended and the amendment was adopted by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

#### MOTION

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

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "amending RCW 28B.15.067, 43.30.720, 43.320.110, 70.146.100, 76.04.610, 77.12.201, 77.12.203, 77.95.090, 79.22.010, 79.22.040, 79.64.100, 79.105.150, 79A.25.200, 86.26.007, and 90.48.390; amending 2011 2nd sp.s. c 9 ss 101, 102, 103, 104, 105, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 125, 128, 129, 130, 131, 132, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 302, 303, 304, 305, 306, 307, 308, 309, 311, 401, 402, 501, 502, 503, 504, 505, 507, 508, 509, 510, 511, 513, 514, 515, 601, 602, 603, 604, 605, 606, 607, 612, 613, 614, 701, 702, 704, 707, and 801 (uncodified); amending 2011 1st sp.s. c 50 ss 103, 104, 106, 117, 120, 124, 128, 132, 133, 137, 151, 214, 516, 616, 715, 801, 802, 803, 910, 920, 921, and 922 (uncodified); reenacting and amending RCW 2.68.020, 41.05.120, 70.105D.070, and 79.64.040; adding new sections to 2011 1st sp.s. c 50 (uncodified); repealing 2011 2nd sp.s. c 9 ss 610, 611, and 705 (uncodified); making appropriations; and declaring an emergency."

#### MOTION

On motion of Senator Zarelli, the rules were suspended, Engrossed Senate Bill No. 5967 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Zarelli, Schoesler, Delvin, Baumgartner, Parlette and Hill spoke in favor of passage of the bill.

Senators Murray, Brown, Regala, Shin, Hobbs, Ranker, Haugen, Pridemore, McAuliffe Nelson, Conway and Kilmer spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5967.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5967 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Keiser,

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Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

ENGROSSED SENATE BILL NO. 5967, 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 Schoesler, Engrossed Senate Bill No. 5967 was immediately transmitted to the House of Representatives.

MOTION

On motion of Senator Schoesler, the Senate immediately considered Senate Bill No. 6378.

SECOND READING

ENGROSSED SENATE BILL NO. 6378, by Senators Zarelli, Baumgartner, Parlette, Hill and Tom

Reforming the state retirement plans.

The measure was read the second time.

MOTION

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

On page 8, line 2, strike "2102" and insert "2012"

Senator Zarelli 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 Zarelli on page 8, line 2 to Senate Bill No. 6378.

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

MOTION

On motion of Senator Zarelli, the rules were suspended, Engrossed Senate Bill No. 6378 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Zarelli, Baumgartner and Schoesler spoke in favor of passage of the bill.

Senators Brown, Conway, Prentice and Murray spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6378.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6378 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Keiser,

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Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

ENGROSSED SENATE BILL NO. 6378, 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 Schoesler, Engrossed Senate Bill No. 6378 was immediately transmitted to the House of Representatives.

MOTION

On motion of Senator Schoesler, the Senate immediately considered Senate Bill No. 6615.

SECOND READING

SENATE BILL NO. 6615, by Senators Zarelli and Swecker

Concerning liquor revenue.

The measure was read the second time.

MOTION

Senator Kohl-Welles moved that the following amendment by Senator Kohl-Welles and others be adopted:

On page 9, after line 3, insert

"Sec. 16. RCW 66.28.310 and 2011 c 119 s 101 and 2011 c 66 s 3 are each reenacted and amended to read as follows:

(1)(a) Nothing in RCW 66.28.305 prohibits an industry member from providing retailers branded promotional items which are of nominal value, singly or in the aggregate. Such items include but are not limited to: Trays, lighters, blotters, postcards, pencils, coasters, menu cards, meal checks, napkins, clocks, mugs, glasses, bottles or can openers, corkscrews, matches, printed recipes, shirts, hats, visors, and other similar items. Branded promotional items:

(i) Must be used exclusively by the retailer or its employees in a manner consistent with its license;

(ii) Must bear imprinted advertising matter of the industry member only, except imprinted advertising matter of the industry member can include the logo of a professional sports team which the industry member is licensed to use;

(iii) May be provided by industry members only to retailers and their employees and may not be provided by or through retailers or their employees to retail customers; and

(iv) May not be targeted to or appeal principally to youth.

(b) An industry member is not obligated to provide any such branded promotional items, and a retailer may not require an industry member to provide such branded promotional items as a condition for selling any alcohol to the retailer.

(c) Any industry member or retailer or any other person asserting that the provision of branded promotional items as allowed in (a) of this subsection has resulted or is more likely than not to result in undue influence or an adverse impact on public health and safety, or is otherwise inconsistent with the criteria in (a) of this subsection may file a complaint with the board. Upon receipt of a complaint the board may conduct such investigation as it deems appropriate in the circumstances. If the investigation reveals the provision of branded promotional items has resulted in or is more likely than not to result in undue influence or has resulted or is more likely than not to result in an adverse impact on public health and safety or is otherwise inconsistent with (a) of this subsection the

board may issue an administrative violation notice to the industry member, to the retailer, or both. The recipient of the administrative violation notice may request a hearing under chapter 34.05 RCW.

(2) Nothing in RCW 66.28.305 prohibits:

(a) An industry member from providing to a special occasion licensee and a special occasion licensee from receiving services for:

(i) Installation of draft beer dispensing equipment or advertising;

(ii) Advertising, pouring, or dispensing of beer or wine at a beer or wine tasting exhibition or judging event; or

(iii) Pouring or dispensing of spirits by a licensed domestic distiller or the accredited representative of a distiller, manufacturer, importer, or distributor of spirituous liquor licensed under RCW 66.24.310; or

(b) Special occasion licensees from paying for beer or wine immediately following the end of the special occasion event; or

(c) Wineries or breweries that are participating in a special occasion event from paying reasonable booth fees to the special occasion licensee.

(3) Nothing in RCW 66.28.305 prohibits industry members from performing, and retailers from accepting the service of building, rotating, and restocking displays and stockroom inventories; rotating and rearranging can and bottle displays of their own products; providing point of sale material and brand signs; pricing case goods of their own brands; and performing such similar business services consistent with board rules, or personal services as described in subsection (5) of this section.

(4) Nothing in RCW 66.28.305 prohibits:

(a) Industry members from listing on their internet web sites information related to retailers who sell or promote their products, including direct links to the retailers' internet web sites; and

(b) Retailers from listing on their internet web sites information related to industry members whose products those retailers sell or promote, including direct links to the industry members' web sites; or

(c) Industry members and retailers from producing, jointly or together with regional, state, or local industry associations, brochures and materials promoting tourism in Washington state which contain information regarding retail licensees, industry members, and their products.

(5) Nothing in RCW 66.28.305 prohibits the performance of personal services offered from time to time by a domestic winery or certificate of approval holder to retailers when the personal services are (a) conducted at a licensed premises, and (b) intended to inform, educate, or enhance customers' knowledge or experience of the manufacturer's products. The performance of personal services may include participation and pouring, bottle signing events, and other similar informational or educational activities at the premises of a retailer holding a spirits, beer, and wine restaurant license, a wine and/or beer restaurant license, a specialty wine shop license, a special occasion license, a grocery store license with a tasting endorsement, or a private club license. A domestic winery or certificate of approval holder is not obligated to perform any such personal services, and a retail licensee may not require a domestic winery or certificate of approval holder to conduct any personal service as a condition for selling any alcohol to the retail licensee, or as a condition for including any product of the domestic winery or certificate of approval holder in any tasting conducted by the licensee. Except as provided in RCW 66.28.150, the cost of sampling may not be borne, directly or indirectly, by any domestic winery or certificate of approval holder or any distributor. Nothing in this section prohibits wineries, breweries, microbreweries, certificate of approval holders, and retail licensees from identifying the producers on private labels authorized under RCW 66.24.400, 66.24.425, ((and)) 66.24.450, 66.24.360, and 66.24.371.

(6) Nothing in RCW 66.28.305 prohibits an industry member from entering into an arrangement with any holder of a sports entertainment facility license or an affiliated business for brand advertising at the licensed facility or promoting events held at the sports entertainment facility as authorized under RCW 66.24.570.

(7) Nothing in RCW 66.28.305 prohibits the performance of personal services offered from time to time by a domestic brewery, microbrewery, or beer certificate of approval holder to grocery store licensees with a tasting endorsement when the personal services are (a) conducted at a licensed premises in conjunction with a tasting event, and (b) intended to inform, educate, or enhance customers' knowledge or experience of the manufacturer's products. The performance of personal services may include participation and pouring, bottle signing events, and other similar informational or educational activities. A domestic brewery, microbrewery, or beer certificate of approval holder is not obligated to perform any such personal services, and a grocery store licensee may not require the performance of any personal service as a condition for including any product in any tasting conducted by the licensee.

(8) Nothing in RCW 66.28.305 prohibits an arrangement between a domestic winery and a restaurant licensed under RCW 66.24.320 or 66.24.400 to waive a corkage fee.

(9) Nothing in this section prohibits professional sports teams who hold a retail liquor license or their agents from accepting bona fide liquor advertising from manufacturers, importers, distributors, or their agents for use in the sporting arena. Professional sports teams who hold a retail liquor license or their agents may license the manufacturer, importer, distributor, or their agents to use the name and trademarks of the professional sports team in their advertising and promotions, under the following conditions:

(a) Such advertising must be paid for by said manufacturer, importer, distributor, or their agent at the published advertising rate or at a reasonable fair market value.

(b) Such advertising may carry with it no express or implied offer on the part of the manufacturer, importer, distributor, or their agent, or promise on the part of the retail licensee whose operation is directly or indirectly part of the sporting arena, to stock or list any particular brand of liquor to the total or partial exclusion of any other brand."

Remember the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Kohl-Welles, the amendment by Senator Kohl-Welles and others on page 9, line 3 to Senate Bill No. 6615 was withdrawn.

#### MOTION

Senator Keiser moved that the following amendment by Senator Kohl-Welles and others be adopted:

On page 9, after line 3, insert

"NEW SECTION. Sec. 16. A new section is added to chapter 66.20 RCW to read as follows:

(1) There shall be a permit known as a day spa permit to allow the holder to offer or supply without charge wine or beer by the individual glass to a customer for consumption on the premises. The customer must be at least twenty-one years of age and may only be offered one glass of wine or beer, and wine or beer served or consumed shall be purchased from a Washington state licensed retailer. A day spa offering wine or beer without charge may not advertise the service of complimentary wine or beer and may not sell wine or beer in any manner. If the wine or beer is offered by a

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day spa that provides massages, the wine or beer may not be offered to the customers until the massage is completed.

(2) For the purposes of this section, "day spa" means a business that offers at least three of the following beauty services: Shampooing, cutting, styling, or dyeing hair, manicures, pedicures, facials, massages, and the use of body toning equipment.

(3) The annual fee for this permit is one hundred twenty-five dollars.

**NEW SECTION. Sec. 17** A new section is added to chapter 66.24 RCW to read as follows:

(1) There shall be a license to be designated as a senior center license. This shall be a license issued to a nonprofit organization whose primary service is providing recreational and social activities for seniors on the licensed premises. This license shall permit the licensee to sell spirits by the individual glass, including mixed drinks and cocktails mixed on the premises only, beer and wine, at retail for consumption on the premises.

(2) To qualify for this license, the applicant entity must:

(a) Be a nonprofit organization under chapter 24.03 RCW;

(b) Be open at times and durations established by the board; and

(c) Provide limited food service as defined by the board.

(3) All alcohol servers must have a valid mandatory alcohol server training permit.

(4) The board shall adopt rules to implement this section.

(5) The annual fee for this license shall be seven hundred twenty dollars.

**Sec. 18** RCW 66.20.300 and 2011 c 325 s 5 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 66.20.310 through 66.20.350.

(1) "Alcohol" has the same meaning as "liquor" in RCW 66.04.010.

(2) "Alcohol server" means any person who as part of his or her employment participates in the sale or service of alcoholic beverages for on-premise consumption at a retail licensed premise as a regular requirement of his or her employment, and includes those persons eighteen years of age or older permitted by the liquor laws of this state to serve alcoholic beverages with meals.

(3) "Board" means the Washington state liquor control board.

(4) "Training entity" means any liquor licensee associations, independent contractors, private persons, and private or public schools, that have been certified by the board.

(5) "Retail licensed premises" means any:

(a) Premises licensed to sell alcohol by the glass or by the drink, or in original containers primarily for consumption on the premises as authorized by RCW 66.24.320, 66.24.330, 66.24.350, 66.24.400, 66.24.425, 66.24.450, 66.24.570, ~~((and))~~ 66.24.610, and section 3 of this act;

(b) Distillery licensed pursuant to RCW 66.24.140 that is authorized to serve samples of its own production;

(c) Facility established by a domestic winery for serving and selling wine pursuant to RCW 66.24.170(4); and

(d) Grocery store licensed under RCW 66.24.360, but only with respect to employees whose duties include serving during tasting activities under RCW 66.24.363.

**Sec. 19.** RCW 66.20.310 and 2011 c 325 s 4 are each amended to read as follows:

(1)(a) There shall be an alcohol server permit, known as a class 12 permit, for a manager or bartender selling or mixing alcohol, spirits, wines, or beer for consumption at an on-premises licensed facility.

(b) There shall be an alcohol server permit, known as a class 13 permit, for a person who only serves alcohol, spirits, wines, or beer for consumption at an on-premises licensed facility.

(c) As provided by rule by the board, a class 13 permit holder may be allowed to act as a bartender without holding a class 12 permit.

(2)(a) Effective January 1, 1997, except as provided in (d) of this subsection, every alcohol server employed, under contract or otherwise, at a retail licensed premise shall be issued a class 12 or class 13 permit.

(b) Every class 12 and class 13 permit issued shall be issued in the name of the applicant and no other person may use the permit of another permit holder. The holder shall present the permit upon request to inspection by a representative of the board or a peace officer. The class 12 or class 13 permit shall be valid for employment at any retail licensed premises described in (a) of this subsection.

(c) Except as provided in (d) of this subsection, no licensee holding a license as authorized by RCW 66.24.320, 66.24.330, 66.24.350, 66.24.400, 66.24.425, 66.24.450, 66.24.570, 66.24.600, ~~((and))~~ 66.24.610, and section 3 of this act may employ or accept the services of any person without the person first having a valid class 12 or class 13 permit.

(d) Within sixty days of initial employment, every person whose duties include the compounding, sale, service, or handling of liquor shall have a class 12 or class 13 permit.

(e) No person may perform duties that include the sale or service of alcoholic beverages on a retail licensed premises without possessing a valid alcohol server permit.

(3) A permit issued by a training entity under this section is valid for employment at any retail licensed premises described in subsection (2)(a) of this section for a period of five years unless suspended by the board.

(4) The board may suspend or revoke an existing permit if any of the following occur:

(a) The applicant or permittee has been convicted of violating any of the state or local intoxicating liquor laws of this state or has been convicted at any time of a felony; or

(b) The permittee has performed or permitted any act that constitutes a violation of this title or of any rule of the board.

(5) The suspension or revocation of a permit under this section does not relieve a licensee from responsibility for any act of the employee or agent while employed upon the retail licensed premises. The board may, as appropriate, revoke or suspend either the permit of the employee who committed the violation or the license of the licensee upon whose premises the violation occurred, or both the permit and the license.

(6)(a) After January 1, 1997, it is a violation of this title for any retail licensee or agent of a retail licensee as described in subsection (2)(a) of this section to employ in the sale or service of alcoholic beverages, any person who does not have a valid alcohol server permit or whose permit has been revoked, suspended, or denied.

(b) It is a violation of this title for a person whose alcohol server permit has been denied, suspended, or revoked to accept employment in the sale or service of alcoholic beverages.

(7) Grocery stores licensed under RCW 66.24.360, the primary commercial activity of which is the sale of grocery products and for which the sale and service of beer and wine for on-premises consumption with food is incidental to the primary business, and employees of such establishments, are exempt from RCW 66.20.300 through 66.20.350, except for employees whose duties include serving during tasting activities under RCW 66.24.363.

**Sec. 20.** RCW 66.24.440 and 2011 c 325 s 3 are each amended to read as follows:

Each spirits, beer, and wine restaurant, spirits, beer, and wine private club, hotel, spirits, beer, and wine nightclub, sports entertainment facility (~~(licensee, and)~~), VIP airport lounge, and senior center licensee shall be entitled to purchase any spirituous liquor items

salable under such license from the board at a discount of not less than fifteen percent from the retail price fixed by the board, together with all taxes.

**Sec. 21.** RCW 66.28.310 and 2011 c 119 s 101 and 2011 c 66 s 3 are each reenacted and amended to read as follows:

(1)(a) Nothing in RCW 66.28.305 prohibits an industry member from providing retailers branded promotional items which are of nominal value, singly or in the aggregate. Such items include but are not limited to: Trays, lighters, blotters, postcards, pencils, coasters, menu cards, meal checks, napkins, clocks, mugs, glasses, bottles or can openers, corkscrews, matches, printed recipes, shirts, hats, visors, and other similar items. Branded promotional items:

(i) Must be used exclusively by the retailer or its employees in a manner consistent with its license;

(ii) Must bear imprinted advertising matter of the industry member only, except imprinted advertising matter of the industry member can include the logo of a professional sports team which the industry member is licensed to use;

(iii) May be provided by industry members only to retailers and their employees and may not be provided by or through retailers or their employees to retail customers; and

(iv) May not be targeted to or appeal principally to youth.

(b) An industry member is not obligated to provide any such branded promotional items, and a retailer may not require an industry member to provide such branded promotional items as a condition for selling any alcohol to the retailer.

(c) Any industry member or retailer or any other person asserting that the provision of branded promotional items as allowed in (a) of this subsection has resulted or is more likely than not to result in undue influence or an adverse impact on public health and safety, or is otherwise inconsistent with the criteria in (a) of this subsection may file a complaint with the board. Upon receipt of a complaint the board may conduct such investigation as it deems appropriate in the circumstances. If the investigation reveals the provision of branded promotional items has resulted in or is more likely than not to result in undue influence or has resulted or is more likely than not to result in an adverse impact on public health and safety or is otherwise inconsistent with (a) of this subsection the board may issue an administrative violation notice to the industry member, to the retailer, or both. The recipient of the administrative violation notice may request a hearing under chapter 34.05 RCW.

(2) Nothing in RCW 66.28.305 prohibits:

(a) An industry member from providing to a special occasion licensee and a special occasion licensee from receiving services for:

(i) Installation of draft beer dispensing equipment or advertising;

(ii) Advertising, pouring, or dispensing of beer or wine at a beer or wine tasting exhibition or judging event; or

(iii) Pouring or dispensing of spirits by a licensed domestic distiller or the accredited representative of a distiller, manufacturer, importer, or distributor of spirituous liquor licensed under RCW 66.24.310; or

(b) Special occasion licensees from paying for beer or wine immediately following the end of the special occasion event; or

(c) Wineries or breweries that are participating in a special occasion event from paying reasonable booth fees to the special occasion licensee.

(3) Nothing in RCW 66.28.305 prohibits industry members from performing, and retailers from accepting the service of building, rotating, and restocking displays and stockroom inventories; rotating and rearranging can and bottle displays of their own products; providing point of sale material and brand signs; pricing case goods of their own brands; and performing such similar business services consistent with board rules, or personal services as described in subsection (5) of this section.

(4) Nothing in RCW 66.28.305 prohibits:

(a) Industry members from listing on their internet web sites information related to retailers who sell or promote their products, including direct links to the retailers' internet web sites; and

(b) Retailers from listing on their internet web sites information related to industry members whose products those retailers sell or promote, including direct links to the industry members' web sites; or

(c) Industry members and retailers from producing, jointly or together with regional, state, or local industry associations, brochures and materials promoting tourism in Washington state which contain information regarding retail licensees, industry members, and their products.

(5) Nothing in RCW 66.28.305 prohibits the performance of personal services offered from time to time by a domestic winery or certificate of approval holder to retailers when the personal services are (a) conducted at a licensed premises, and (b) intended to inform, educate, or enhance customers' knowledge or experience of the manufacturer's products. The performance of personal services may include participation and pouring, bottle signing events, and other similar informational or educational activities at the premises of a retailer holding a spirits, beer, and wine restaurant license, a wine and/or beer restaurant license, a specialty wine shop license, a special occasion license, a grocery store license with a tasting endorsement, or a private club license. A domestic winery or certificate of approval holder is not obligated to perform any such personal services, and a retail licensee may not require a domestic winery or certificate of approval holder to conduct any personal service as a condition for selling any alcohol to the retail licensee, or as a condition for including any product of the domestic winery or certificate of approval holder in any tasting conducted by the licensee. Except as provided in RCW 66.28.150, the cost of sampling may not be borne, directly or indirectly, by any domestic winery or certificate of approval holder or any distributor. Nothing in this section prohibits wineries, breweries, microbreweries, certificate of approval holders, and retail licensees from identifying the producers on private labels authorized under RCW 66.24.400, 66.24.425, ~~(and)~~ 66.24.450, 66.24.360, and 66.24.371.

(6) Nothing in RCW 66.28.305 prohibits an industry member from entering into an arrangement with any holder of a sports entertainment facility license or an affiliated business for brand advertising at the licensed facility or promoting events held at the sports entertainment facility as authorized under RCW 66.24.570.

(7) Nothing in RCW 66.28.305 prohibits the performance of personal services offered from time to time by a domestic brewery, microbrewery, or beer certificate of approval holder to grocery store licensees with a tasting endorsement when the personal services are (a) conducted at a licensed premises in conjunction with a tasting event, and (b) intended to inform, educate, or enhance customers' knowledge or experience of the manufacturer's products. The performance of personal services may include participation and pouring, bottle signing events, and other similar informational or educational activities. A domestic brewery, microbrewery, or beer certificate of approval holder is not obligated to perform any such personal services, and a grocery store licensee may not require the performance of any personal service as a condition for including any product in any tasting conducted by the licensee.

(8) Nothing in RCW 66.28.305 prohibits an arrangement between a domestic winery and a restaurant licensed under RCW 66.24.320 or 66.24.400 to waive a corkage fee.

(9) Nothing in this section prohibits professional sports teams who hold a retail liquor license or their agents from accepting bona fide liquor advertising from manufacturers, importers, distributors, or their agents for use in the sporting arena. Professional sports teams who hold a retail liquor license or their agents may license the manufacturer, importer, distributor, or their agents to use the name

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and trademarks of the professional sports team in their advertising and promotions, under the following conditions:

(a) Such advertising must be paid for by said manufacturer, importer, distributor, or their agent at the published advertising rate or at a reasonable fair market value.

(b) Such advertising may carry with it no express or implied offer on the part of the manufacturer, importer, distributor, or their agent, or promise on the part of the retail licensee whose operation is directly or indirectly part of the sporting arena, to stock or list any particular brand of liquor to the total or partial exclusion of any other brand.

**NEW SECTION. Sec. 22.** A new section is added to chapter 66.16 RCW to read as follows:

(1) The liquor control board must allow spirits sampling in former contract liquor stores for the purpose of promoting spirits products. Stores may apply for an endorsement to offer spirits tastings under this section.

(a) No store may hold more than one spirits sampling per week.

(b) The locations shall be approved by the board. Before the board determines which stores will be eligible to participate, it shall give:

(i) Due consideration to the location of the store with respect to the proximity of places of worship, schools, and public institutions;

(ii) Due consideration to motor vehicle accident data in the proximity of the store; and

(iii) Written notice by certified mail of the proposed spirits sampling to places of worship, schools, and public institutions within five hundred feet of the store proposed to offer spirits sampling.

(c) Sampling must be conducted under the following conditions:

(i) Sampling may take place only in an area of a store in which access to persons under twenty-one years of age is prohibited;

(ii) Samples may be provided free of charge;

(iii) Only persons twenty-one years of age or over may sample spirits;

(iv) Each sample must be one-quarter ounce or less, with no more than one ounce of samples provided per person per day;

(v) Tasting activities are subject to RCW 66.28.305 and 66.28.040 and the cost of sampling may not be borne, directly or indirectly, by any liquor manufacturer, importer, or distributor;

(vi) Any person involved in the serving of such samples must have completed a mandatory alcohol server training program;

(vii) No person who is apparently intoxicated may sample spirits;

(viii) The product provided for sampling must be available for sale at the store where the sampling occurs at the time of the sampling; and

(ix) Customers must remain on the store premise while consuming samples.

(d) The liquor control board may prohibit sampling at a location that is within the boundaries of an alcohol impact area recognized by resolution of the board if the board finds that the sampling activities at the location are having an adverse effect on the reduction of chronic public inebriation in the area.

(e) A store may advertise a tasting event only within the store, on a store web site, in-store newsletters and flyers, and via e-mail and mail to customers who have requested notice of events. Advertising under this subsection may not be targeted to or appeal principally to youth.

(f) All other criteria must be determined by the board.

(2) The liquor control board may adopt rules to implement this section.

(3) For the purposes of this section, "store" means a former contract liquor store premises as of May 31, 2012.

(4)(a) If a store is found to have committed a public safety violation in conjunction with tasting activities, the board may suspend the licensee's tasting endorsement and not reissue the endorsement for up to two years from the date of the violation. If mitigating circumstances exist, the board may offer a monetary penalty in lieu of suspension during a settlement conference.

(b) RCW 66.08.150 applies to the suspension or revocation of an endorsement.

**Sec. 23.** RCW 66.24.363 and 2010 c 141 s 1 are each amended to read as follows:

(1) A grocery store licensed under RCW 66.24.360 may apply for an endorsement to offer beer and wine tasting under this section.

(2) To be issued an endorsement, a licensee must meet the following criteria:

(a) The licensee has retail sales of grocery products for off-premises consumption that are more than fifty percent of the licensee's gross sales or the licensee is a membership organization that requires members to be at least eighteen years of age;

(b) The licensee operates a fully enclosed retail area encompassing at least nine thousand square feet, except that the board may issue an endorsement to a licensee with a retail area encompassing less than nine thousand square feet if the board determines that no licensee in the community the licensee serves meets the square footage requirement and the licensee meets operational requirements established by the board by rule; and

(c) The licensee has not had more than one public safety violation within the past two years.

(3) A tasting must be conducted under the following conditions:

(a) Each sample must be two ounces or less, up to a total of four ounces, per customer during any one visit to the premises;

(b) No more than one sample of the same product offering of beer or wine may be provided to a customer during any one visit to the premises;

(c) The licensee must have food available for the tasting participants;

(d) Customers must remain in the service area while consuming samples; and

(e) The service area and facilities must be located within the licensee's fully enclosed retail area and must be of a size and design such that the licensee can observe and control persons in the area to ensure that persons under twenty-one years of age and apparently intoxicated persons cannot possess or consume alcohol.

(4) Employees of licensees whose duties include serving during tasting activities under this section must hold a class 12 alcohol server permit.

(5) Tasting activities under this section are subject to RCW 66.28.305 and 66.28.040 and the cost of sampling may not be borne, directly or indirectly, by any liquor manufacturer, importer, or distributor.

(6) A licensee may advertise a tasting event only within the store, on a store web site, in store newsletters and flyers, and via e-mail and mail to customers who have requested notice of events. Advertising under this subsection may not be targeted to or appeal principally to youth.

(7)(a) If a licensee is found to have committed a public safety violation in conjunction with tasting activities, the board may suspend the licensee's tasting endorsement and not reissue the endorsement for up to two years from the date of the violation. If mitigating circumstances exist, the board may offer a monetary penalty in lieu of suspension during a settlement conference.

(b) The board may revoke an endorsement granted to a licensee that is located within the boundaries of an alcohol impact area recognized by resolution of the board if the board finds that the tasting activities by the licensee are having an adverse effect on the reduction of chronic public inebriation in the area.

(c) RCW 66.08.150 applies to the suspension or revocation of an endorsement.

(8) The board may establish additional requirements under this section to assure that persons under twenty-one years of age and apparently intoxicated persons cannot possess or consume alcohol.

(9) Upon request the board may adjust the gross sales percentage in subsection (2)(a) of this section at the discretion of the board.

(10) The annual fee for the endorsement is two hundred dollars. The board shall review the fee annually and may increase the fee by rule to a level sufficient to defray the cost of administration and enforcement of the endorsement, except that the board may not increase the fee by more than ten percent annually.

~~((10))~~ (11) The board must adopt rules to implement this section." Correct the title.

Renummer the remaining sections consecutively and correct any internal references accordingly.

Senator Keiser spoke in favor of adoption of the amendment.

#### POINT OF ORDER

Senator Benton: "Thank you Mr. President, I believe this amendment is improperly drafted. It appears to amend the title which would be appropriate in the other body but in the Senate it is not appropriate. This amendment is improperly drafted and out of order, in my opinion."

Senator Keiser spoke against the point of order.

#### REPLY BY THE PRESIDENT

President Owen: "Senator Benton, you stated in your point of order that the problem was that we were amending the title, that is what you said. Well, that's what I heard you say. However, the, okay, so you're drawing the attention to it, the President has learned that they are in the process of providing the exact language which is always done. Constantly done. Every day is done, where we amend the title. So, that is being done at this time. The President would suggest that this bill be held until the amendment is corrected. The President does not believe that it's clear that the amendment is out of order but the President does understand that they are making it clear so that its absolutely unquestionably not out of order."

#### MOTION

On motion of Senator Schoesler, further consideration of amendment by Senator Kohl-Welles and others on page 9, after line 3 to Senate Bill No. 6615 was deferred and the amendment held its place on the second reading calendar.

#### MOTION

On motion of Senator Schoesler, the Senate immediately considered Senate Bill No. 6616.

#### SECOND READING

SENATE BILL NO. 6616, by Senators Zarelli and Swecker

Directing the solid waste collection tax to the general fund.

The measure was read the second time.

#### MOTION

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

On page 1, after the enacting clause, strike all material and insert the following"

"**Sec. 1.** RCW 82.18.040 and 2011 1st sp.s. c 48 s 7034 are each amended to read as follows:

(1) Taxes collected under this chapter (~~(shall)~~ must be held in trust until paid to the state. Taxes received by the state (~~(shall)~~ must be deposited in the public works assistance account created in RCW 43.155.050(~~(:—PROVIDED, That during the fiscal year)~~); However: (a) From July 1, 2011, through June 30, 2013, one hundred percent of the taxes received by the state under this chapter must be deposited in the general fund for general purpose expenditures; and (b) from July 1, 2013, through June 30, 2038, eighty-five percent of the taxes received by the state under this chapter must be deposited in the general fund. Any person collecting the tax who appropriates or converts the tax collected (~~(shall be)~~ is guilty of a gross misdemeanor if the money required to be collected is not available for payment on the date payment is due. If a taxpayer fails to pay the tax imposed by this chapter to the person charged with collection of the tax and the person charged with collection fails to pay the tax to the department, the department may, in its discretion, proceed directly against the taxpayer for collection of the tax.

(2) The tax (~~(shall be)~~ is due from the taxpayer within twenty-five days from the date the taxpayer is billed by the person collecting the tax.

(3) The tax (~~(shall be)~~ is due from the person collecting the tax at the end of the tax period in which the tax is received from the taxpayer. If the taxpayer remits only a portion of the total amount billed for taxes, consideration, and related charges, the amount remitted (~~(shall)~~ must be applied first to payment of the solid waste collection tax and this tax (~~(shall have)~~ has priority over all other claims to the amount remitted."

On page 1, line 1 of the title, after "relating to", insert "temporarily"

Senator Kilmer spoke in favor of adoption of the amendment. Senator Zarelli spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kilmer and others on page 1 after the enacting clause to Senate Bill No. 6616.

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

#### MOTION

On motion of Senator Zarelli, the rules were suspended, Senate Bill No. 6616 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Zarelli 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. 6616.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6616 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

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Voting nay: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolles and Shin

SENATE BILL NO. 6616, 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 Schoesler, Senate Bill No. 6616 was immediately transmitted to the House of Representatives.

The Senate resumed consideration of Senate Bill No. 6615 which had been deferred earlier in the day.

Senators Keiser and Kohl-Welles spoke in favor of adoption of the amendment.

Senator Holmquist-Newbry spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kohl-Welles and others on page 9, after line 3 to Senate Bill No. 6615.

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

#### MOTION

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

On page 9, after line 3, insert the following:

"**Sec. 16.** RCW 66.24.145 and 2012 c 2 s 205 (Initiative Measure No. 1183) are each amended to read as follows:

(1) Any craft distillery may sell spirits of its own production for consumption off the premises, up to two liters per person per day. A craft distillery selling spirits under this subsection must comply with the applicable laws and rules relating to retailers.

(2) Any craft distillery may contract distill spirits for, and sell contract distilled spirits to, holders of distillers' or manufacturers' licenses, including licenses issued under RCW 66.24.520, or for export.

(3) Any craft distillery licensed under this section may provide, free of charge, one-half ounce or less samples of spirits of its own production to persons on the premises of the distillery. The maximum total per person per day is two ounces. Every person who participates in any manner in the service of samples must obtain a class 12 alcohol server permit.

(4) The board must adopt rules to implement the alcohol server permit requirement and may adopt additional rules to implement this section.

(5) Distilling is an agricultural practice.

(6)(a) A craft distillery licensed under RCW 66.24.140(1) may apply to the board for an endorsement to sell bottled spirits of its own production at retail for off-premises consumption at a qualifying farmers market. The annual fee for this endorsement is seventy-five dollars.

(b) For each month during which a craft distillery will sell spirits at a qualifying farmers market, the craft distillery must provide the board or its designee a list of the dates, times, and locations at which bottled spirits may be offered for sale. This list must be received by the board before the craft distillery may offer spirits for sale at a qualifying farmers market.

(c) The spirits sold at qualifying farmers markets must be produced in Washington.

(d) Each approved location in a qualifying farmers market is deemed to be part of the craft distillery license for the purpose of this title. The approved locations under an endorsement granted under this subsection (6) do not constitute the tasting or sampling privilege of a craft distillery. The craft distillery may not store spirits at a farmers market beyond the hours that the craft distillery offers bottled spirits for sale. The craft distillery may not act as a distributor from a farmers market location.

(e) Before a craft distillery may sell bottled spirits at a qualifying farmers market, the farmers market must apply to the board for authorization for any craft distillery with an endorsement approved under this subsection (6) to sell bottled spirits at retail at the farmers market. This application shall include, at a minimum: (i) A map of the farmers market showing all booths, stalls, or other designated locations at which an approved craft distillery may sell bottled spirits; and (ii) the name and contact information for the on-site market managers who may be contacted by the board or its designee to verify the locations at which bottled spirits may be sold. Before authorizing a qualifying farmers market to allow an approved craft distillery to sell bottled spirits at retail at its farmers market location, the board shall notify the persons or entities of the application for authorization pursuant to RCW 66.24.010 (8) and (9). An authorization granted under this subsection (6)(e) may be withdrawn by the board for any violation of this title or any rules adopted under this title.

(f) The board may adopt rules establishing the application and approval process under this section and any additional rules necessary to implement this section.

(g) For the purposes of this subsection (6):

(i) "Qualifying farmers market" means an entity that sponsors a regular assembly of vendors at a defined location for the purpose of promoting the sale of agricultural products grown or produced in this state directly to the consumer under conditions that meet the following minimum requirements:

(A) There are at least five participating vendors who are farmers selling their own agricultural products;

(B) The total combined gross annual sales of vendors who are farmers exceeds the total combined gross annual sales of vendors who are processors or resellers;

(C) The total combined gross annual sales of vendors who are farmers, processors, or resellers exceeds the total combined gross annual sales of vendors who are not farmers, processors, or resellers;

(D) The sale of imported items and secondhand items by any vendor is prohibited; and

(E) No vendor is a franchisee.

(ii) "Farmer" means a natural person who sells, with or without processing, agricultural products that he or she raises on land he or she owns or leases in this state or in another state's county that borders this state.

(iii) "Processor" means a natural person who sells processed food that he or she has personally prepared on land he or she owns or leases in this state or in another state's county that borders this state.

(iv) "Reseller" means a natural person who buys agricultural products from a farmer and resells the products directly to the consumer."

Remember the remaining section consecutively and correct any internal references accordingly.

On page 1, line 1 of the title, after "revenue" strike the remainder of the title and insert "and craft distilleries; amending RCW 82.08.160, 43.110.030, 66.08.190, 66.08.196, 66.08.200, 66.08.210, 35A.66.020, 36.70A.340, 70.94.390, 70.96A.087, 43.63A.190, and 66.24.145; creating new sections; repealing RCW 82.08.170, 82.08.180, 43.110.050, and 43.110.060; and providing an effective date."

## WITHDRAWAL OF AMENDMENT

On motion of Senator Harper, the amendment by Senator Harper and others on page 9, line 3 to Senate Bill No. 6615 was withdrawn.

## MOTION

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

On page 9, after line 3, insert the following:

"**Sec. 16.** RCW 66.24.630 and 2012 c 2 s 103 (Initiative Measure No. 1183) are each amended to read as follows:

(1) There is a spirits retail license to: Sell spirits in original containers to consumers for consumption off the licensed premises and to permit holders; sell spirits in original containers to retailers licensed to sell spirits for consumption on the premises, for resale at their licensed premises according to the terms of their licenses, although no single sale may exceed twenty-four liters, unless the sale is by a licensee that was a contract liquor store manager of a contract liquor store at the location of its spirits retail licensed premises from which it makes such sales; and export spirits.

(2) For the purposes of this title, a spirits retail license is a retail license, and a sale by a spirits retailer is a retail sale only if not for resale. Nothing in this title authorizes sales by on-sale licensees to other retail licensees. The board must establish by rule an obligation of on-sale spirits retailers to:

(a) Maintain a schedule by stock-keeping unit of all their purchases of spirits from spirits retail licensees, indicating the identity of the seller and the quantities purchased; and

(b) Provide, not more frequently than quarterly, a report for each scheduled item containing the identity of the purchasing on-premise licensee and the quantities of that scheduled item purchased since any preceding report to:

(i) A distributor authorized by the distiller to distribute a scheduled item in the on-sale licensee's geographic area; or

(ii) A distiller acting as distributor of the scheduled item in the area.

(3)(a) Except as otherwise provided in (c) of this subsection (~~(c) of this section~~), the board may issue spirits retail licenses only for premises comprising at least ten thousand square feet of fully enclosed retail space within a single structure, including storerooms and other interior auxiliary areas but excluding covered or fenced exterior areas, whether or not attached to the structure, and only to applicants that the board determines will maintain systems for inventory management, employee training, employee supervision, and physical security of the product substantially as effective as those of stores currently operated by the board with respect to preventing sales to or pilferage by underage or inebriated persons.

(b) License issuances and renewals are subject to RCW 66.24.010 and the regulations promulgated thereunder, including without limitation rights of cities, towns, county legislative authorities, the public, churches, schools, and public institutions to object to or prevent issuance of local liquor licenses. However, existing grocery premises licensed to sell beer and/or wine are deemed to be premises "now licensed" under RCW 66.24.010(9)(a) for the purpose of processing applications for spirits retail licenses.

(c) The board may not deny a spirits retail license to an otherwise qualified contract liquor store at its contract location or to the holder of former state liquor store operating rights sold at auction under RCW 66.24.620 on the grounds of location, nature, or size of the premises to be licensed. The board shall not deny a spirits retail license to applicants that are not contract liquor stores or operating rights holders on the grounds of the size of the premises to be licensed, if such applicant is otherwise qualified and the board determines that:

( i) There is no retail spirits license holder in the trade area that the applicant proposes to serve;

(ii) The applicant meets, or upon licensure will meet, the operational requirements established by the board by rule; and

(iii) The licensee has not committed more than one public safety violation within the three years preceding application.

(d) A retailer authorized to sell spirits for consumption on or off the licensed premises may accept delivery of spirits at its licensed premises or at one or more warehouse facilities registered with the board, which facilities may also warehouse and distribute nonliquor items, and from which the retailer may deliver to its own licensed premises and, pursuant to sales permitted under subsection (1) of this section:

(i) To other retailer premises licensed to sell spirits for consumption on the licensed premises;

(ii) To other registered facilities; or

(iii) To lawful purchasers outside the state. The facilities may be registered and utilized by associations, cooperatives, or comparable groups of retailers, including at least one retailer licensed to sell spirits.

(4)(a) ~~Except as otherwise provided in (b) of this subsection,~~ each spirits retail licensee must pay to the board, for deposit into the liquor revolving fund, a license issuance fee equivalent to seventeen percent of all spirits sales revenues under the license, exclusive of taxes collected by the licensee and of sales of items on which a license fee payable under this section has otherwise been incurred. The board must establish rules setting forth the timing of such payments and reporting of sales dollar volume by the licensee, with payments required quarterly in arrears. The first payment is due October 1, 2012.

(b) This subsection (4) does not apply to craft distilleries.

(5) In addition to the payment required under subsection (4) of this section, each licensee must pay an annual license renewal fee of one hundred sixty-six dollars. The board must periodically review and adjust the renewal fee as may be required to maintain it as comparable to annual license renewal fees for licenses to sell beer and wine not for consumption on the licensed premises. If required by law at the time, any increase of the annual renewal fee becomes effective only upon ratification by the legislature.

(6) As a condition to receiving and renewing a retail spirits license the licensee must provide training as prescribed by the board by rule for individuals who sell spirits or who manage others who sell spirits regarding compliance with laws and regulations regarding sale of spirits, including without limitation the prohibitions against sale of spirits to individuals who are underage or visibly intoxicated. The training must be provided before the individual first engages in the sale of spirits and must be renewed at least every five years. The licensee must maintain records documenting the nature and frequency of the training provided. An employee training program is presumptively sufficient if it incorporates a "responsible vendor program" promulgated by the board.

(7) The maximum penalties prescribed by the board in WAC 314-29-020 through 314-29-040 relating to fines and suspensions are doubled for violations relating to the sale of spirits by retail spirits licensees.

(8)(a) The board must promulgate regulations concerning the adoption and administration of a compliance training program for spirits retail licensees, to be known as a "responsible vendor program," to reduce underage drinking, encourage licensees to adopt specific best practices to prevent sales to minors, and provide licensees with an incentive to give their employees ongoing training in responsible alcohol sales and service.

(b) Licensees who join the responsible vendor program under this section and maintain all of the program's requirements are not

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subject to the doubling of penalties provided in this section for a single violation in any period of twelve calendar months.

(c) The responsible vendor program must be free, voluntary, and self-monitoring.

(d) To participate in the responsible vendor program, licensees must submit an application form to the board. If the application establishes that the licensee meets the qualifications to join the program, the board must send the licensee a membership certificate.

(e) A licensee participating in the responsible vendor program must at a minimum:

- (i) Provide ongoing training to employees;
- (ii) Accept only certain forms of identification for alcohol sales;
- (iii) Adopt policies on alcohol sales and checking identification;
- (iv) Post specific signs in the business; and
- (v) Keep records verifying compliance with the program's requirements."

Re-number the remaining section consecutively and correct any internal references accordingly.

On page 1, line 3 of the title, after "70.96A.087," strike "and 43.63A.190" and insert "43.63A.190, and 66.24.630"

Senator Harper spoke in favor of adoption of the amendment.

Senator Holmquist Newbry spoke against adoption of the amendment.

Senator Brown demanded a roll call.

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

PARLIAMENTARY INQUIRY

Senator Benton: "Since this amendment attempts to amend Initiative 1183, can you tell me does it not require two-thirds vote of the body to pass?"

REPLY BY THE PRESIDENT

President Owen: "At this point Senator Benton the motion is to amend the other bill not final passage. It only takes a simple majority for the amendment."

PARLIAMENTARY INQUIRY

Senator Benton: "So if the amendment was adopted then it would require two-thirds vote to pass the bill?"

REPLY BY THE PRESIDENT

President Owen: "The President does not rule on something that is projecting out. We will take that up when the time comes."

The President declared the question before the Senate to be the adoption of the amendment by Senator Harper on page 9, after line 3 to Senate Bill No. 6615.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Harper and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridmore, Ranker, Regala, Rolfes and Shin

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

MOTION

Senator Kohl-Welles moved that the following amendment by Senators Kohl-Welles and Murray be adopted:

On page 9, line 4, strike "2012" and insert "2016"

Re-number the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Senators Kohl-Welles, Frockt and Haugen spoke in favor of adoption of the amendment.

Senator Zarelli spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kohl-Welles and Murray on page 9, line 4 to Senate Bill No. 6615.

The motion by Senator Kohl-Welles failed and the amendment was not adopted by voice vote.

MOTION

Senator Kohl-Welles moved that the following striking amendment by Senators Kohl-Welles and Murray be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 66.08.200 and 1979 c 151 s 167 are each amended to read as follows:

With respect to the ~~((ten percent share coming))~~ distribution of funds to the counties under RCW 66.24.290(1)(c), the computations for distribution ~~((shall))~~ must be made by the state agency responsible for collecting the same as follows:

(1) The share coming to each eligible county ~~((shall))~~ must be determined by a division among the eligible counties according to the relation which the population of the unincorporated area of such eligible county, as last determined by the office of financial management, bears to the population of the total combined unincorporated areas of all eligible counties, as determined by the office of financial management ~~((= PROVIDED, That))~~. However, no county in which the sale of liquor is forbidden in the unincorporated area thereof as the result of an election ~~((shall be))~~ is entitled to share in such distribution. "Unincorporated area" means all that portion of any county not included within the limits of incorporated cities and towns.

(2) When a special county census has been conducted for the purpose of determining the population base of a county's unincorporated area for use in the distribution of liquor funds, the census figure ~~((shall))~~ becomes effective for the purpose of distributing funds as of the official census date once the census results have been certified by the office of financial management and officially submitted to the office of the secretary of state.

Re-number the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Senators Kohl-Welles and Chase spoke in favor of adoption of the striking amendment.

Senator Holmquist Newbry spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kohl-Welles and Murray to Senate Bill No. 6615.

The motion by Senator Kohl-Welles failed and the striking amendment was not adopted by voice vote.

#### MOTION

Senator Kohl-Welles moved that the following striking amendment by Senators Kohl-Welles and Murray be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 66.08.210 and 1979 c 151 s 168 are each amended to read as follows:

(1) With respect to the ~~((forty percent share coming))~~ distribution of funds to the incorporated cities and towns under RCW 66.24.290(1)(c), the computations for distribution ~~((shall))~~ must be made by the state agency responsible for collecting the same as ~~((follows:))~~ provided in subsection (2) of this section.

(2) The share coming to each eligible city or town ~~((shall))~~ must be determined by a division among the eligible cities and towns within the state ratably on the basis of population as last determined by the office of financial management ~~((:—AND PROVIDED, That)).~~ However, no city or town in which the sale of liquor is forbidden as the result of an election ~~((shall be))~~ is entitled to any share in such distribution."

Re-number the remaining sections consecutively and correct any internal references accordingly.

Correct the title

Senators Kohl-Welles, Frockt, Keiser and Harper spoke in favor of adoption of the striking amendment.

Senators Ericksen and Zarelli spoke against adoption of the striking amendment.

Senator Eide demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kohl-Welles and Murray to Senate Bill No. 6615.

#### ROLL CALL

The Secretary called the roll on the adoption of the striking amendment by Senators Kohl-Welles and Murray and the striking amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

#### MOTION

On motion of Senator Zarelli, the rules were suspended, Senate Bill No. 6615 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Zarelli spoke in favor of passage of the bill.

Senator Kohl-Welles spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6615.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6615 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes and Shin

SENATE BILL NO. 6615, 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 Schoesler, Senate Bill No. 6615 was immediately transmitted to the House of Representatives.

#### MOTION

At 2:06 a.m., on motion of Senator Eide, the Senate adjourned until 1:00 p.m. Saturday, March 3, 2012.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate



1820-S	Introduction & 1 <sup>st</sup> Reading .....	1	5715-S	Messages .....	1
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2194-S	Second Reading .....	16		Third Reading Final Passage .....	106
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2195	Second Reading .....	16	5991-S	Messages .....	1
	Third Reading Final Passage .....	16	6002-S	Messages .....	1
2229-S	Second Reading .....	17	6046	Messages .....	1
	Third Reading Final Passage .....	17	6059	Messages .....	1
2239-S	Second Reading .....	9	6098	Messages .....	1
	Third Reading Final Passage .....	10	6112-S	Messages .....	1
2261-S	Other Action .....	9	6167-S	Messages .....	1
	Second Reading .....	8, 9	6171	Messages .....	1
	Third Reading Final Passage .....	9	6208-S	Messages .....	1
2301-S	Second Reading .....	10	6218	Messages .....	1
	Third Reading Final Passage .....	10	6255	Messages .....	1
2308	Other Action .....	7	6290	Messages .....	1
	Second Reading .....	7	6325-S	Messages .....	1
	Third Reading Final Passage .....	7	6371-S	Messages .....	1
2318-S	Second Reading .....	16	6378	Other Action .....	21, 24
	Third Reading Final Passage .....	16		Second Reading .....	107
2326-S	Other Action .....	3, 5		Third Reading Final Passage .....	107
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	Third Reading Final Passage .....	6	6470-S	Messages .....	1
2330-S	Other Action .....	24	6574-S	Messages .....	1
2452-S2	Second Reading .....	6	6598	Second Reading .....	8
	Third Reading Final Passage .....	7	6598-S	Second Reading .....	8
2502-S	Second Reading .....	11		Third Reading Final Passage .....	8
	Third Reading Final Passage .....	11	6600	Second Reading .....	7
2570-S	Other Action .....	19	6600-S	Second Reading .....	8
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2586-S	Other Action .....	13, 14		Second Reading .....	107, 108, 113, 114, 115, 116
	Second Reading .....	11, 12, 13		Third Reading Final Passage .....	116
	Third Reading Final Passage .....	15	6616	Other Action .....	21, 24
2592-S	Second Reading .....	11			
	Third Reading Final Passage .....	11			
2640-S	Second Reading .....	17			
	Third Reading Final Passage .....	17			
2814	Introduction & 1 <sup>st</sup> Reading .....	1			
	Other Action .....	2			
	Second Reading .....	15			
	Third Reading Final Passage .....	15			
5365	Messages .....	1			

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