SIXTIETH LEGISLATURE - REGULAR SESSION

FORTY SEVENTH DAY

House Chamber, Olympia, Friday, February 29, 2008

The House was called to order at 10:00 a.m. by the Speaker (Representative Morris presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Cameron Vohr and Alicia DeBont. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Deacon Tony Irving, St. Benedict's Episcopal Church, Olympia.

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

RESOLUTION

HOUSE RESOLUTION NO. 4679, by Representatives Anderson, Morris, Newhouse, Santos, Grant, Alexander, Kessler, Ericks, Dunshee, Hankins, Skinner and Conway

WHEREAS, Thousands of Freemasons throughout Washington State have made numerous contributions to the state throughout its history; and

WHEREAS, Freemasons, whose long history precedes Washington's achievement of statehood, have set an example of high moral standards and generous sacrificial charity for all people; and

WHEREAS, The Founding Fathers of this great state of Washington, many of whom were Freemasons, provided a balanced and principled basis for developing themselves and others into valuable citizens of Washington; and

WHEREAS, Members of the Masonic Fraternity, both individually and as an organization, continue to make invaluable charitable contributions of service to the State of Washington; and

WHEREAS, The Masonic Fraternity continues to provide for the charitable relief and education of the citizens of Washington; and

WHEREAS, The Masonic Fraternity is deserving of formal recognition of their long history of caregiving for the citizenry and their example of high moral standards;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize the thousands of Freemasons of Washington and honor them for their many contributions to our State throughout its history.

Representative Anderson moved the adoption of the resolution.

Representatives Anderson and Springer spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4679 was adopted.

SPEAKER'S PRIVILEGE

Mr. Speaker (Representative Morris presiding): "The Speaker is pleased to recognize Grand Master of Masons in Washington, Most Worshipful Grand Master Wayne I. Smith and other elected Grand Lodge officers and distinguished Masons from around the State.

The Speaker is also pleased to recognized Dr. Jerilyn McIntyre, President of Central Washington University, who is the first woman to serve as the University's president. She assumed the post in July 2000 and is retiring at the end of this year."

RESOLUTIONS

HOUSE RESOLUTION NO. 4698, by Representatives Moeller, Hankins and Skinner

WHEREAS, An estimated 135,000 individuals in the United States - .05 percent of the population of our country - have narcolepsy, a neurological sleep disorder for which there is no cure and whose cause is not well understood; and

WHEREAS, More than half of these 135,000 individuals remain undiagnosed; and

WHEREAS, Narcolepsy is a chronic disorder which causes excessive daytime sleepiness, cataplexy (loss of muscle tone), hypnagogic hallucinations, sleep paralysis, and disrupted nighttime sleep in women, men, and children of all ethnic backgrounds; and

WHEREAS, The quality of life of narcolepsy patients, even with treatment, is significantly reduced; and

WHEREAS, Patients with this disorder experience excessive daytime sleepiness, sudden and uncontrollable sleep attacks, loss of muscle tone triggered by emotional stimuli, realistic and frightening hallucinations upon waking or falling asleep, an inability to move when they awaken, automatic behavior, and disrupted nighttime sleep; and

WHEREAS, It often takes an average of ten years to receive a diagnosis of narcolepsy, and medical professionals frequently are inadequately educated on the diagnosis and treatment of narcolepsy; and

WHEREAS, Increased awareness and expanded knowledge of the realities of life with narcolepsy will allow the community at large to better support people who struggle with the challenges of this chronic neurological disorder; and

WHEREAS, Narcolepsy Network is a nonprofit charitable organization serving the needs of patients with narcolepsy and their family members, friends, and care providers; and

WHEREAS, Narcolepsy Network and other groups around our country have joined together to promote narcolepsy awareness and support - including improved education, diagnosis, research, and treatment; and

WHEREAS, Narcolepsy Network is urging narcolepsy patients and their supporters, health care providers, and the general public to demonstrate their caring by sharing the road patients walk, the facts about narcolepsy, and ever-growing awareness about the cause of this disorder and potential treatments; and

WHEREAS, The community's focus on narcolepsy and its impact on patients' lives will help guarantee hope for a better future for people with narcolepsy;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the needs of these chronically affected people and urge all of our citizens to support the search for the cause, cure, and prevention of narcolepsy and assist those individuals and families who deal with this devastating disorder on a daily basis.

HOUSE RESOLUTION NO. 4698 was adopted.

HOUSE RESOLUTION NO. 4699, by Representatives McCoy, Hankins and Skinner

WHEREAS, Demitri Robinson, who is a young member of the Tulalip Tribes in Snohomish County, wrestled his way to the 2008 Washington State Class B Championship in the 103-pound division; and

WHEREAS, Demitri is a freshman at Tulalip Heritage High School, and he is the very first Tulalip tribal member to win a state wrestling crown; and

WHEREAS, Wrestling for Marysville-Pilchuck High School because his high school does not have a wrestling team, Demitri finished his unforgettable season with a record of twenty-five triumphs and only two defeats; and

WHEREAS, The newly crowned state champion wrestler bested a competitive finals opponent who brought an impressive record of his own going into the decisive showdown with Demitri; and

WHEREAS, Capturing one of the most exciting matches in the Mat Classic XX wrestling tournament, Demitri was leading 4-0 in the closing moments of the thrilling championship contest when he pinned his Oroville High School rival; and

WHEREAS, A son of proud foster parents Lee Gilford and Michelle Myles, the soft-spoken Demitri let his superb wrestling talent and prowess do the talking in the young man's historic Saturday, February 16, 2008, state championship; and

WHEREAS, Tulalip Tribal Council member Tony Hatch, who is an assistant wrestling coach at Marysville-Pilchuck, was quoted in the Everett Herald newspaper as saying that for Demitri "to be able to step in as a freshman and win it, that's great";

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington honor, commend, and celebrate 2008 Washington state wrestling champion Demitri Robinson; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Demitri Robinson and his family, to the Tulalip Tribes and Tulalip Heritage High School, and to Marysville-Pilchuck High School.

HOUSE RESOLUTION NO. 4699 was adopted.

HOUSE RESOLUTION NO. 4700, by Representatives Kenney, Skinner, Hailey, Campbell, Kretz, Hankins, Sells, Herrera, Rolfes, Darneille, Williams, Appleton, Dickerson, Seaquist, Upthegrove, Warnick, Nelson, Hasegawa, Ericks, Hunt, Morrell, Pearson, Kessler, Walsh, Quall, Green, Jarrett, Smith, and Van De Wege

WHEREAS, Colorectal cancer is second to lung cancer in the number of deaths it causes in the United States; and

WHEREAS, In the United States alone, over 100,000 people are diagnosed with and over 49,000 people die of colorectal cancer every year; and

WHEREAS, It is estimated that in Washington State 2,800 people are diagnosed with and 940 people will die every year of colorectal cancer; and

WHEREAS, Colorectal cancer can affect anyone of any age, race, or sex; nine out of ten diagnoses will occur in people aged 50 and older; men are slightly more likely to be diagnosed with colorectal cancer than women; and African-Americans are 10% more likely to be diagnosed with colorectal cancer than Caucasians and 30% more likely to die of the disease; and

WHEREAS, Colorectal cancer starts with a growth (polyp) that is not cancer; screening can find and remove these growths before they develop into cancer; early detection is the best defense against this devastating disease; and regular screening can prevent over half of all colorectal cancer deaths; and

WHEREAS, The American Cancer Society recommends all people be screened starting at age 50 or earlier if you have a family history of colon cancer or polyps; and

WHEREAS, Despite its high rate of incidence, colorectal cancer is one of the most detectable forms of cancer, and, if found early enough, one of the most treatable forms of cancer; and

WHEREAS, Ninety percent of those diagnosed early, while the cancer is still localized, survive more than five years, but sadly, only 37% of all colorectal cancers are detected early enough for survival to occur; and

WHEREAS, When colorectal cancer is diagnosed at a more advanced stage, having spread to the surrounding region, the five-year survival rate drops from 90% to 65%, and when diagnosed at an advanced stage, having spread to distant organs, the five-year survival rate is only 9%; and

WHEREAS, Early detection is still our best defense against this devastating disease and regular screening can prevent over half of all colorectal cancer deaths in the United States, yet, a majority of Americans are not being screened on a regular basis early enough to catch the cancer while it is still localized; and

WHEREAS, In a recent survey, the Centers for Disease Control found that only 40% of all Americans reported having ever used the most basic of screening methods and just 42% reported having used a more advanced screening, compared to 85% of all women who had been screened for breast cancer; and

WHEREAS, Low screening rates for colorectal cancer are due to many factors, including a lack of public awareness about colorectal cancer and of the benefits of regular screening, negative attitudes towards the screening procedures, the complete lack of symptoms in most cases, and the absence of social support for openly discussing and doing something about this particular disease; and

WHEREAS, The United States Senate has designated March as National Colorectal Cancer Awareness Month;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives commend the American Cancer Society for its outstanding work in creating public awareness about colorectal cancer and the benefits of regular screening and urge the citizens of this state to celebrate the month of March as Colorectal Cancer Awareness Month, and to become more aware of the risks regarding this disease and the need to get regular screenings for colorectal cancer; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the American Cancer Society.

HOUSE RESOLUTION NO. 4700 was adopted.

HOUSE RESOLUTION NO. 4701, by Representatives Skinner, Pearson, Hankins, and Warnick

WHEREAS, The Prudential Spirit of Community Awards program is America's largest youth recognition program based exclusively on volunteerism; and

WHEREAS, The Prudential Spirit of Community Awards program honors young people in middle school and high school for outstanding volunteer service to their communities; and

WHEREAS, A State Honoree of the Prudential Spirit of Community Awards program will receive a $1,000 award, an engraved silver medallion, and a trip to Washington, D.C., for a series of national recognition events; and

WHEREAS, Brian Vance, 17, of Yakima, Washington, a junior at Selah High School in Selah has been recognized as a State Honoree of the Prudential Spirit of Community Awards program; and

WHEREAS, Brian Vance contacted a wide variety of individuals and organizations to gather information on methamphetamine use, and collaborated with high school teachers to create the classroom curriculum on the dangers of methamphetamine; and

WHEREAS, Brian Vance produced an informational DVD and a classroom curriculum that have been distributed to more than 500 schools and public officials across the country to educate students about the dangers of methamphetamine; and

WHEREAS, Brian Vance presented the DVD, entitled "Meth: There's Never Just Once," at more than 20 public forums, and when requests for copies were made, Brian Vance organized fund-raisers and applied for grants in order to make them available free of charge; and

WHEREAS, Samantha McTee, 12, of Yakima, Washington, a sixth-grader at Naches Valley Middle School in Naches has been recognized as a State Honoree of the Prudential Spirit of Community Awards program; and

WHEREAS, Samantha McTee raised $1,200 to help save a community swimming pool by planning a spaghetti dinner and raffle; and

WHEREAS, Samantha McTee organized a place to host the dinner event, set a date for the event, sought donations of food and raffle prizes, posted promotional flyers around the community, and recruited members of her school leadership club to help cook, serve, and clean up at the dinner; and

WHEREAS, Samantha McTee hopes to hold another fund-raiser this year;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington honor the vision, the commitment, and the hard work of Brian Vance and Samantha McTee, and celebrate Brian Vance's and Samantha McTee's contribution and dedication to making Washington a better place for all Washingtonians; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Brian Vance, Samantha McTee, the Principal of Selah High School, the Principal of Naches Valley Middle School, and the Editor of the Yakima Herald Republic.

HOUSE RESOLUTION NO. 4701 was adopted.

MESSAGES FROM THE SENATE

February 29, 2008

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 6423,
SECOND SUBSTITUTE SENATE BILL NO. 6626,
SUBSTITUTE SENATE BILL NO. 6828,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

February 28, 2008

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 6375,
SENATE BILL NO. 6450,
SECOND SUBSTITUTE SENATE BILL NO. 6468,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

MESSAGE FROM THE SENATE

February 20, 2008

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2437, with the following amendment:

On page 1, on line 7, after "account" insert the following:

", and no loan authorized in this act shall bear an interest rate greater than one half of one percent"

and the same is herewith transmitted.

Thomas Hoemann, Secretary

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

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2437 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Fromhold and McDonald spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2437, as amended by the Senate.

MOTIONS

On motion of Representative Santos, Representative Williams was excused. On motion of Representative Schindler, Representatives Armstrong, Hailey, Roach and Walsh were excused.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2437, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Liias, Linville, Loomis, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Smith, Sommers, Springer, Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Warnick, Wood and Mr. Speaker - 93.

Excused: Representatives Armstrong, Hailey, Roach, Walsh and Williams - 5.

HOUSE BILL NO. 2437, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

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

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5261, By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Keiser, Franklin, Kohl-Welles, Fairley and Kline; by request of Insurance Commissioner)

Granting the insurance commissioner the authority to review individual health benefit plan rates.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care & Wellness was before the House for purpose of amendment. (For Committee amendment, see Journal, 26th Day, February 8, 2008.)

Representative Pedersen moved the adoption of amendment (1356) to the committee amendment:

On page 1, line 28 of the amendment, after "commissioner." insert "If the commissioner does not disapprove a rate filing within sixty days after the insurer has filed the documents required in RCW

48.20.025(2) and any rules adopted pursuant thereto, the filing shall be deemed approved."

On page 3, line 2 of the amendment, after "commissioner." insert "If the commissioner does not disapprove a rate filing within sixty days after the health care service contractor has filed the documents required in RCW 48.44.017(2) and any rules adopted pursuant thereto, the filing shall be deemed approved."

On page 4, line 26 of the amendment, after "commissioner." insert "If the commissioner does not disapprove a rate filing within sixty days after the health maintenance organization has filed the documents required in RCW 48.46.062(2) and any rules adopted pursuant thereto, the filing shall be deemed approved."

Correct the title.

Representative Pedersen spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

With the consent of the House, amendment (1040) to the committee amendment was withdrawn.

Representative Hinkle moved the adoption of amendment (1068) to the committee amendment:

On page 6, line 25 of the amendment, after "(3)" insert "Any disapproval of a rate filing shall, upon written demand of the carrier, be submitted to hearing under chapters 48.04 and 34.05 RCW before an administrative law judge assigned under chapter 34.12 RCW. The administrative law judge shall review the issue presented for hearing de novo and shall issue and enter a final order. The commissioner or the insurer may appeal the final order of the administrative law judge directly to superior court.

(4)"

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

On page 9, line 29 of the amendment, after "(3)" insert "Any disapproval of a rate filing shall, upon written demand of the carrier, be submitted to hearing under chapters 48.04 and 34.05 RCW before an administrative law judge assigned under chapter 34.12 RCW. The administrative law judge shall review the issue presented for hearing de novo and shall issue and enter a final order. The commissioner or the insurer may appeal the final order of the administrative law judge directly to superior court.

(4)"

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

On page 12, line 33 of the amendment, after "(3)" insert "Any disapproval of a rate filing shall, upon written demand of the carrier, be submitted to hearing under chapters 48.04 and 34.05 RCW before an administrative law judge assigned under chapter 34.12 RCW. The administrative law judge shall review the issue presented for hearing de novo and shall issue and enter a final order. The commissioner or the insurer may appeal the final order of the administrative law judge directly to superior court.

(4)"

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

Representatives Hinkle and Hinkle (again) spoke in favor of the adoption of the amendment to the committee amendment.

Representative Cody spoke against the adoption of the amendment to the committee amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1068) to the committee amendment to Engrossed Substitute Senate Bill No. 5261.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1068) to the committee amendment to Engrossed Substitute Senate Bill No. 5261, and the amendment was not adopted by the following vote: Yeas - 34, Nays - 59, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Bailey, Chandler, Condotta, Crouse, DeBolt, Dunn, Ericksen, Haler, Hankins, Herrera, Hinkle, Hunter, Hurst, Kelley, Kretz, Kristiansen, Liias, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Rodne, Ross, Schindler, Schmick, Skinner, Smith, Sump and Warnick - 34.

Voting nay: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Loomis, McCoy, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Wood and Mr. Speaker - 59.

Excused: Representatives Armstrong, Hailey, Roach, Walsh and Williams - 5.

Representative Cody moved the adoption of amendment (1068) to the committee amendment:

On page 7, line 32, after "the" strike "health care service contractor's" and insert "insurer's"

On page 8, line 5, after "Eight Percent (8%)" insert "or more"

On page 8, line 22, after "for" strike "an insurer" and insert "a health care service contractor"

On page 8, line 24, after "that" strike "insurer" and insert "health care service contractor"

On page 8, line 25, after "that" strike "insurer" and insert "health care service contractor"

On page 11, line 8, after "Eight Percent (8%)" insert "or more"

On page 11, line 25, after "for" strike "an insurer" and insert "a health maintenance organization"

On page 11, line 27, after "that" strike "insurer" and insert "health maintenance organization"

On page 11, line 28, after "that" strike "insurer" and insert "health maintenance organization"

On page 14, line 13, after "Eight Percent (8%)" insert "or more"

Representatives Cody and Hinkle spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative Herrera moved the adoption of amendment (1359) to the committee amendment:

On page 14, after line 16, insert the following:

"NEW SECTION. **Sec. 8.** (1) The office of the insurance commissioner shall explore the feasibility of entering into a multistate health insurance plan compact for the purpose of providing affordable health insurance coverage for persons purchasing individual health coverage. The office of the insurance commissioner shall propose model state legislation that each participating state would enact prior to entering into the multistate health insurance plan compact. If federal legislation is necessary to permit the operation of the multistate health insurance plan, the office of the insurance commissioner shall identify needed changes in federal statutes and rules.

(2) The office of the insurance commissioner shall report the findings and recommendations of the feasibility study to the appropriate committees of the senate and house of representatives by December 1, 2008."

Representatives Herrera and Cody spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Cody, Schual-Berke, Wallace, Appleton and Morrell spoke in favor of the passage of the bill.

Representatives Hinkle, Schindler, Alexander and Rodne spoke against the passage of the bill.

POINT OF ORDER

Representative Newhouse: "Thank you. It seems that the speaker is impugning the motives of the people on this side of the aisle for not protecting consumers. We would like to remind her not to do that."

SPEAKER'S RULING

Mr. Speaker (Representative Morris presiding): "We have reviewed what was said. I think because the comments were clearly not on the subject before the House which is the final passage of granting the Insurance Commissioner the authority to review individual health benefit plan rates, it was a bit off mark. The Speaker takes your point very well."

Representatives Condotta and DeBolt spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5261, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5261, as amended by the House, and the bill passed the House by the following vote: Yeas - 68, Nays - 26, Absent - 0, Excused - 4.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Green, Haigh, Hankins, Hasegawa, Herrera, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Liias, Linville, Loomis, McCoy, McCune, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 68.

Voting nay: Representatives Ahern, Alexander, Anderson, Bailey, Chandler, Condotta, Crouse, DeBolt, Dunn, Ericksen, Grant, Haler, Hinkle, Kretz, Kristiansen, McDonald, Newhouse, Pearson, Priest, Rodne, Ross, Schindler, Schmick, Smith, Sump and Warnick - 26.

Excused: Representatives Armstrong, Hailey, Roach and Walsh - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5261, as amended by the House, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3096, By Representatives Clibborn and McIntire; by request of Governor Gregoire

Financing the state route number 520 bridge replacement project.

The bill was read the second time.

There being no objection, Substitute House Bill No. 3096 was substituted for House Bill No. 3096 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3096 was read the second time.

With the consent of the House, amendment (1229) was withdrawn.

Representative Clibborn moved the adoption of amendment (1357):

Beginning on page 1, line 16, strike all material through "bridge." on page 2, line 2 and insert the following:

"NEW SECTION. **Sec. 2.** A new section is added to chapter 47.01 RCW to read as follows:

(1) The SR 520 Bridge Replacement and HOV project shall be designed to provide six total lanes, with two lanes that are for transit and high occupancy vehicle travel, and four general purpose lanes.

(2) The SR 520 Bridge Replacement and HOV project shall be designed to accommodate effective connections for transit, including high-capacity transit, to the light-rail station at the University of Washington.

NEW SECTION. **Sec. 3.** A new section is added to chapter 47.56 RCW to read as follows:

The SR 520 Bridge Replacement and HOV project finance plan must include:

(1) Recognition of revenue sources that include: One billion seven hundred million dollars in state and federal funds allocated to the project; one billion five hundred million dollars to two billion dollars in tolling revenue, including early tolls that could begin in late 2009; eighty-five million dollars in federal urban partnership grant funds; and other contributions from private and other government sources; and

(2) Recognition of savings to be realized from:

(a) Potential early construction of traffic improvements from the eastern Lake Washington shoreline to 108th Avenue Northeast in Bellevue;

(b) Early construction of a single string of pontoons to support two lanes that are for transit and high-occupancy vehicle travel and four general purpose lanes;

(c) Preconstruction tolling to reduce total financing costs; and

(d) A rebate of the sales taxes paid on construction costs, which will be dedicated to construction of the project."

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

Representative Anderson moved the adoption of amendment (1358) to amendment (1357):

On page 1, line 8 of the amendment, after "lanes" insert ", and to provide for additional lanes or dedicated right-of-way for high-capacity transportation without additional retrofitting or construction"

On page 1, line 20 of the amendment, after "revenue," strike all material through "funds;" on line 22

On page 1, line 28 of the amendment, after "construction of" strike "a single string of"

On page 1, line 30 of the amendment, after "lanes" strike ";" and insert ", and additional lanes or dedicated right-of-way for high-capacity transportation without additional retrofitting or construction; and"

On page 2, line 1 of the amendment, after "(c)" strike all material through "(d)" on line 3

Renumber the remaining subsections consecutively

Representatives Anderson, Ericksen and Rodne spoke in favor of the adoption of the amendment to amendment (1357).

Representatives Simpson, Jarrett and Hunter spoke against the adoption of the amendment to amendment (1357).

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of the amendment to amendment (1357) to Substitute House Bill No. 3096.

ROLL CALL

The Clerk called the roll on the adoption of the amendment to amendment (1357) to Substitute House Bill No. 3096, and the amendment to amendment (1357) was not adopted by the following vote: Yeas - 32, Nays - 62, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Bailey, Campbell, Chandler, Condotta, Crouse, DeBolt, Dunn, Ericksen, Haler, Hankins, Herrera, Hinkle, Kelley, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Rodne, Ross, Schindler, Schmick, Skinner, Smith, Sump and Warnick - 32.

Voting nay: Representatives Appleton, Barlow, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Liias, Linville, Loomis, McCoy, McIntire, Miloscia, Moeller,

Morrell, Morris, Nelson, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 62.

Excused: Representatives Armstrong, Hailey, Roach and Walsh - 4.

Representatives Clibborn and Clibborn (again) spoke in favor of the adoption of the amendment (1357).

Representative Ericksen spoke against the adoption of the amendment (1357).

The amendment was adopted.

With the consent of the House, amendments (1143) and (1144) were withdrawn.

Representative Rodne moved the adoption of amendment (1226):

On page 2, after line 2, insert the following:

"NEW SECTION. **Sec. 2.** A new section is added to chapter 47.56 RCW to read as follows:

All revenue from tolling the replacement state route number 520 bridge must be used only on state route number 520 between state route 5 and state route 405 for highway purposes consistent with Article II, section 40 of the state Constitution."

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

Representatives Rodne, Anderson, Hinkle, Ericksen and Rodne (again) spoke in favor of the adoption of the amendment.

Representative Jarrett, Eddy and Clibborn spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1226) to Substitute House Bill No. 3096.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1226) to Substitute House Bill No. 3096, and the amendment was not adopted by the following vote: Yeas - 34, Nays - 60, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Bailey, Campbell, Chandler, Condotta, Crouse, DeBolt, Dunn, Ericksen, Haler, Hankins, Herrera, Hinkle, Hurst, Kelley, Kirby, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Rodne, Ross, Schindler, Schmick, Skinner, Smith, Sump and Warnick - 34.

Voting nay: Representatives Appleton, Barlow, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Lantz, Liias, Linville, Loomis, McCoy, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 60.

Excused: Representatives Armstrong, Hailey, Roach and Walsh - 4.

Representative Anderson moved the adoption of amendment (1231):

On page 2, after line 2, insert the following:

"Replacing the state route number 520 bridge is an emergency and thus a top priority of the state, and the legislature therefore finds that the replacement state route number 520 bridge must be open to traffic in five years, rather than the current completion date of 2018. The legislature further finds that it should immediately take the necessary actions to accomplish this goal."

Representatives Anderson, Smith, Newhouse and Ericksen spoke in favor of the adoption of the amendment.

Representatives Pedersen, Hunter and Jarrett spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1231) to Substitute House Bill No. 3096.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1231) to Substitute House Bill No. 3096, and the amendment was not adopted by the following vote: Yeas - 35, Nays - 58, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Bailey, Chandler, Condotta, Crouse, DeBolt, Dunn, Ericksen, Goodman, Haler, Hankins, Herrera, Hinkle, Hurst, Kelley, Kretz, Kristiansen, Loomis, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Rodne, Ross, Schindler, Schmick, Skinner, Smith, Springer, Sump and Warnick - 35.

Voting nay: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Liias, Linville, McCoy, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson,

O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 58.

Excused: Representatives Armstrong, Dickerson, Hailey, Roach and Walsh - 5.

Representative Anderson moved the adoption of amendment (1225):

On page 2, line 7, after "tolls" strike "on the existing state route number 520 bridge or"

On page 3, beginning on line 8, strike all of subsection (i)

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

Representatives Anderson, Rodne and Ericksen spoke in favor of the adoption of the amendment.

Representatives Hunter and Clibborn spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1225) to Substitute House Bill No. 3096.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1225) to Substitute House Bill No. 3096, and the amendment was not adopted by the following vote: Yeas - 33, Nays - 60, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Bailey, Campbell, Chandler, Condotta, Crouse, DeBolt, Dunn, Ericksen, Haler, Hankins, Herrera, Hinkle, Hurst, Kelley, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Rodne, Ross, Schindler, Schmick, Skinner, Smith, Sump and Warnick - 33.

Voting nay: Representatives Appleton, Barlow, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Liias, Linville, Loomis, McCoy, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 60.

Excused: Representatives Armstrong, Dickerson, Hailey, Roach and Walsh - 5.

Representative Jarrett moved the adoption of amendment (1137):

On page 2, line 27, after "522" insert "and local roadways"

On page 2, line 27, after "520" insert "or other corridors, and recommend mitigation measures to address the diversion"

On page 2, line 33, after "bridge" insert "and other impacted facilities"

On page 3, line 4, after "(e)" insert "Confer with the mayors and city councils of jurisdictions adjacent to the state route number 520 corridor, the state route number 522 corridor, and the interstate 90 corridor regarding the implementation of tolls, the impacts that the implementation of tolls might have on the operation of the corridors, the diversion of traffic to local streets, and potential mitigation measures;

(f)"

Reletter the remaining subsection alphabetically.

Representative Jarrett spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Schindler moved the adoption of amendment (1235):

On page 3, after line 21, insert the following:

"NEW SECTION. **Sec. 5.** A new section is added to chapter 47.01 RCW to read as follows:

The department shall use the process described under subsections (1) through (6) of this section for the state route number 520 bridge replacement project. The department shall determine which steps have already been completed and begin at the appropriate step in the process described in this section.

(1) Step 1: Conceptual description. The department shall identify project purposes, the approximate location or alternative locations, the federal, state, and local agencies that might have authority to review and approve the project or portions of the project at any such locations, a preliminary interagency communication list identifying agencies that may be interested in the proposed project, and, where known, contact persons in such agencies. If the department intends to proceed with step 2 or abandon the project, it may complete this step by: (a) Providing a summary of the outcome to all agencies on the interagency communication list; and (b) making the summary available to the public.

(2) Step 2: Early involvement of other agencies.

(a) At any time after completing step 1, the department shall provide notice to all agencies on the interagency communication list and the public. Within thirty days, or a longer period of time if specified by the department, each state, local, and federal agency must be encouraged to identify:

(i) A primary contact person to coordinate future communications with the department and other interested agencies regarding the project, or indicate that it has no interest in the project and does not need to remain on the project information list;

(ii) Its role with respect to the proposed project;

(iii) Additional alternative locations the department should consider and the roles it would expect to have with the project at those locations;

(iv) Other agencies it believes should be added to the interagency communication list for the project; and

(v) Other information it requests the department to consider.

(b) After all state and local agencies on the interagency communication list have responded, or at least ten days after the expiration of the specified response time, the department may complete this step by: (i) Proposing one or more conceptual designs for the project at a proposed location and any alternative locations then being considered; (ii) providing a summary of the results of this step, including a statement that the department considers this step to be complete or complete except for specified issues remaining to be resolved with specified agencies, to all agencies on the interagency communication list; and (iii) making the summary available to the public.

(3) Step 3: Identify environmental reviews, permits, and other approvals, application procedures, and decision standards.

(a) At any time after completing step 2, the department may initiate this step by providing notice to all agencies on the interagency communication list and the public. This notice may include a threshold determination on whether an environmental impact statement or supplemental environmental impact statement will be prepared or an environmental checklist and request for comments on what steps should be taken to comply with chapter 43.21C RCW. Within thirty days, or a longer period of time if specified by the department, each state, local, and federal agency must be encouraged to identify:

(i) The procedures under which it expects environmental reviews of the project to occur;

(ii) All permits and other approvals it might require for the project at each alternative location and conceptual design;

(iii) What is needed for the department to file a complete application for each permit or other approval;

(iv) The laws, regulations, ordinances, and policies it would administer with respect to the project at each alternative location and conceptual design; and

(v) Other information it requests the department to consider in deciding whether, when, where, or how to proceed with the project.

(b) After all state and local agencies on the interagency communication list have responded, or at least ten days after the expiration of the specified response time, the department may complete this step by:

(i) Adopting a list of all environmental reviews, permits, and other approvals it believes are needed for the project under each alternative being considered;

(ii) Providing all agencies on the interagency communication list a copy of that list and a summary of the results of this step, including a statement that the department considers this step to be complete or complete except for specified issues remaining to be resolved with specified agencies; and

(iii) Making the list described under (b)(i) of this subsection and summary available to the public.

(c) The list described under (b)(i) of this subsection and summary are presumed to accurately identify all environmental reviews, permits, and other approvals needed for each alternative described, what is required for applications to be considered complete, and the standards under which applications will be reviewed and approved, unless an aggrieved agency or person files objections within thirty days after the list and summary are distributed.

(4) Step 4: Tentative selection of a preferred alternative.

(a) At any time after completing step 3, the department may initiate this step by providing notice to all agencies on the interagency communication list and the public. This notice may be accompanied by a scoping notice for an environmental impact statement or supplemental environmental impact statement or, if available, be accompanied by a draft environmental impact statement or supplemental environmental impact statement. It also may be accompanied by the department's preliminary analysis of the advantages and disadvantages of each identified alternative, or other information that may be helpful to other interested agencies and the public in identifying advantages and disadvantages. Within fourteen days, or a longer period of time if specified by the department, each state, local, and federal agency must be encouraged to identify:

(i) For each identified alternative, the specific features it considers significant with respect to its role in environmental reviews, permits, or other approvals for the project, the reasons these features are significant, and any concerns it may have about the alternative because of potential adverse impacts of these features on resources or social policies within its jurisdiction;

(ii) For each feature for which it raises concerns, recommendations on how the potential adverse impacts could be avoided, minimized, and mitigated;

(iii) For each feature for which it raises concerns, an assessment of the relative ranking of each alternative with respect to whether and to what extent these concerns apply;

(iv) Recommendations it may have as to which alternatives should be retained or dropped from further consideration, and ways in which alternatives might be modified or combined to address its concerns, recognizing that (A) final decisions can be made only through the applicable environmental review, permit, and other approval processes and (B) the agency making these decisions is not bound with respect to any future decisions it may make regarding the project; and

(v) Other information it requests the department to consider in deciding whether, when, where, or how to proceed with the project.

(b) After all state and local agencies on the interagency communication list have responded, or at least ten days after the expiration of the specified response time, the department may complete this step by:

(i) Selecting a preferred alternative for purposes of all environmental reviews, permits, and other approvals needed for the project;

(ii) Providing all agencies on the interagency communication list with a description of the preferred alternative and summary of the results of this step, including a statement that the department considers this step to be complete or complete except for specified issues remaining to be resolved with specified agencies; and

(iii) Making the preferred alternative and summary available to the public. The preferred alternative must be identified in all environmental reviews, permits, and other approvals needed for the project.

(5) Step 5: Completing environmental reviews and applications for permits and other approvals.

(a) At any time after completing step 4, the department may initiate this step by providing notice to all agencies on the interagency communication list and the public. A draft environmental impact statement or supplemental environmental impact statement, the department's draft plans and specifications for the project, and draft applications for some or all permits and other approvals may be provided with the notice or when these materials subsequently become available. Within thirty days, or a longer

period of time if specified by the department, each state, local, and federal agency must be encouraged to identify:

(i) All concerns it previously raised regarding the alternative, and other alternatives still under consideration, that have not been resolved to its satisfaction;

(ii) Additional concerns it may have, particularly concerns resulting from additional information about the project location and design and other new information received since the completion of step 4;

(iii) Additional environmental reviews, permits, or other approvals needed for the preferred alternative because of changes in laws, regulations, or policies, or changes in the project location or design, since these issues were last reviewed under step 3 or 4;

(iv) Changes in applicable requirements for complete applications for permits or other approvals under its jurisdiction since these issues were last reviewed under step 3 or 4;

(v) Other changes in applicable laws, regulations, ordinances, or policies administered by the agency since these issues were last reviewed under step 3 or 4; and

(vi) Whether a draft application proposed by the department for a permit or other approval from the agency is complete, and if not, what additional information or other changes are needed for it to be complete.

(b) When all state and local agencies on the interagency communication list have responded, or at least ten days after the expiration of the specified response time, the department may complete this step by:

(i) Completing some or all of the environmental review processes and draft application forms for permits and other approvals that it reasonably believes to be complete;

(ii) Providing all agencies on the interagency communication list with environmental review and application documents and a summary of the results of this step, including a statement that the department considers this step to be complete or complete except for specified issues remaining to be resolved with specified agencies; and

(iii) Making the completed environmental review documents and summary available to the public. The preferred alternative must be identified in all environmental reviews, permits, and other approvals needed for the project.

(c) If an interested agency or aggrieved person files objections within fourteen days after the preferred alternative and summary are distributed, the objections must be addressed in subsequent environmental reviews and agency decisions regarding the project.

(6) Step 6: Completing the environmental review, permit, and other approval processes.

(a) At any time after completing step 5, the department may initiate this step by providing notice to all agencies on the interagency communication list and the public and by filing applications for some or all permits and other approvals needed for the project. Within thirty days, or a longer period of time if specified by the department, each state, local, and federal agency must be encouraged to:

(i) Acknowledge receipt of draft environmental review documents and provide comments on these documents;

(ii) Acknowledge receipt of final environmental review documents and determine that these documents are adequate for purposes of their roles regarding the project or specify what additional information or changes are needed for these documents to be considered adequate;

(iii) Acknowledge receipt of each application filed and determine that the application is complete or specify what additional information or changes are needed for the application to be considered complete;

(iv) Acknowledge that the applications submitted will be processed under the laws, regulations, ordinances, and policies previously identified under steps 3, 4, and 5 or specify what changes have occurred in the governing standards that were in effect on the date a complete application was filed and, as a result, apply to the project;

(v) Identify the significant steps necessary for it to reach a final decision on applications and the estimated time needed for each step; and

(vi) Identify ways its decision-making process might be made more efficient and effective through additional coordination with other agencies, with any recommendations for such methods as joint solicitation and review of public comments and jointly conducting public hearings.

(b) This step may require an iterative process with several drafts of various environmental review documents and applications being considered and revised, and that changes in project location or design resulting from the permit decisions of one agency may require revising applications or reopening permit decisions of other agencies. All state and local agencies are expected, and federal agencies are encouraged, to communicate and cooperate to minimize the number of iterations required and make the process as efficient and effective as possible. Unless significant new information is obtained, decisions made under this step should not be reopened except at the request of the department, and the most recent information available under steps 3, 4, and 5 should be presumed accurate until significant new information becomes available.

(c) If all environmental reviews have not been completed and all permits and other approvals have not been obtained within forty-five days after this step is initiated, the department, by providing notice to all agencies on the interagency communication list and the public, may set a deadline for completing reviews and decisions. At any time after the deadline, the department may terminate the coordination process of this section as to some or all of the reviews and decisions that are still not completed."

Renumber the remaining section consecutively and correct the title.

Representatives Schindler and Ericksen spoke in favor of the adoption of the amendment.

Representative Clibborn spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1235) to Substitute House Bill No. 3096.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1235) to Substitute House Bill No. 3096, and the amendment was not adopted by the following vote: Yeas - 30, Nays - 63, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Bailey, Chandler, Condotta, Crouse, DeBolt, Dunn, Ericksen, Haler, Hankins, Herrera, Hinkle, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Rodne, Ross, Schindler, Schmick, Skinner, Smith, Sump and Warnick - 30.

Voting nay: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Liias, Linville, Loomis, McCoy, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 63.

Excused: Representatives Armstrong, Dickerson, Hailey, Roach and Walsh - 5.

With the consent of the House, amendment (1355) was withdrawn.

Representative Ericksen moved the adoption of amendment (1360):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that the replacement of the vulnerable state route number 520 bridge is a matter of urgency for the safety of Washington's traveling public and the needs of the transportation system in central Puget Sound. The state route number 520 bridge is forty-four years old and one hundred fifteen thousand vehicles travel on the bridge each day. There is an ever present likelihood that wind or an earthquake could suddenly destroy the bridge or render it unusable. Therefore, the state must develop a comprehensive approach to fund a state route number 520 bridge replacement to be constructed as quickly as possible.

The legislature further finds that one billion seven hundred million dollars in state and federal funding sources have been allocated to the SR 520 Bridge Replacement and HOV project. Therefore, all current resources must be used as efficiently as possible and constructing immediate improvements for SR 520 will provide safety and congestion relief benefits.

NEW SECTION. **Sec. 2.** A new section is added to chapter 82.32 RCW to read as follows:

The tax imposed and collected under chapters 82.08 and 82.12 RCW on the construction of the SR 520 Bridge Replacement and HOV project must be transferred to the project to defray the costs or pay debt service on that project.

NEW SECTION. **Sec. 3.** A new section is added to chapter 47.01 RCW to read as follows:

(1) The SR 520 Bridge Replacement and HOV project shall proceed in two phases. Phase one will provide immediate safety and congestion reduction benefits and phase two will provide additional improvements as funding becomes available. All improvements identified in this section shall be constructed on pontoons that provide capacity for six lanes and provide for additional lanes or dedicated right-of-way for high-capacity transportation without additional retrofitting or construction.

(2) Within existing resources allocated by the legislature to the SR 520 Bridge Replacement and HOV project, the department shall immediately proceed with design and construction of phase one of the SR 520 Bridge Replacement and HOV project. Phase one shall include the following elements:

(a) Replacement of the floating bridge with eight lanes or six lanes and dedicated right-of-way for high-capacity transportation;

(b) Replacement of over water approach structures from the Montlake interchange to 84th Avenue Northeast and elimination of the west side s-curve; and

(c) Replacement of the Portage Bay Viaduct with a structure that meets the needs of the preferred alternative.

(3) As additional funding becomes available, phase two shall include all other elements of the preferred alternative not constructed as part of phase one including rebuilding the over land segments of the SR 520 corridor and ramps to and from the Interstate 5 Express Lanes."

Correct the title.

Representatives Ericksen spoke in favor of the adoption of the amendment.

Representative McIntire spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1360) to Substitute House Bill No. 3096.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1360) to Substitute House Bill No. 3096, and the amendment was not adopted by the following vote: Yeas - 31, Nays - 62, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Bailey, Campbell, Chandler, Condotta, Crouse, DeBolt, Dunn, Ericksen, Haler, Hankins, Herrera, Hinkle, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Rodne, Ross, Schindler, Schmick, Skinner, Smith, Sump and Warnick - 31.

Voting nay: Representatives Appleton, Barlow, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Liias, Linville, Loomis, McCoy, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 62.

Excused: Representatives Armstrong, Dickerson, Hailey, Roach and Walsh - 5.

The bill was ordered engrossed.

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

Representative Clibborn spoke in favor of the passage of the bill.

Representative Ericksen spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 3096.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 3096 and the bill passed the House by the following vote: Yeas - 63, Nays - 30, Absent - 0, Excused - 5.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hankins, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Liias, Linville, Loomis, McCoy, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 63.

Voting nay: Representatives Ahern, Alexander, Anderson, Bailey, Chandler, Condotta, Crouse, DeBolt, Dunn, Ericksen, Haler, Hasegawa, Herrera, Hinkle, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Rodne, Ross, Schindler, Schmick, Skinner, Smith, Sump and Warnick - 30.

Excused: Representatives Armstrong, Dickerson, Hailey, Roach and Walsh - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3096, having received the necessary constitutional majority, was declared passed.

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

REPORTS OF STANDING COMMITTEES

February 26, 2008

ESSB 5831 Prime Sponsor, Senate Committee on Labor, Commerce, Research & Development: Providing for the certification of heating, ventilation, air conditioning, and refrigeration contractors and mechanics. (REVISED FOR ENGROSSED: Creating the joint legislative task force on heating, ventilation, air conditioning, and refrigeration.) Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Applicant" means a person who has submitted the appropriate form or forms to be considered for an HVAC/R mechanic certificate, a temporary HVAC/R mechanic certificate, a trainee certificate, or an HVAC/R operator certificate, as required by the department.

(2) "Board" means the HVAC/R board established in section 24 of this act.

(3) "Boiler" means a closed vessel in which water is heated, steam is generated, steam is superheated, or a combination thereof, under pressure or vacuum by the application of heat, electricity, or nuclear energy. "Boiler" also includes fired units for heating or vaporizing liquids other than water where these systems are complete within themselves.

(4) "BTUH" means British thermal units per hour.

(5) "Certified HVAC/R mechanic" means a person who has been issued a valid HVAC/R mechanic certificate under section 16 of this act.

(6) "Certified specialty mechanic" means a person who has been issued one or more valid specialty mechanic certificates under section 16 of this act.

(7) "CFM" means cubic feet per minute.

(8) "Department" means the department of labor and industries.

(9) "Director" means the director of the department or the director's designee.

(10) "Gas company" has the same meaning as in RCW 80.04.010.

(11) "Gas company service piping" means gas piping that is owned by or under the control of a gas company and used for transmission or distribution of fuel to the point of contact at the premises or property supplied or to be supplied, including service connections, meters, or other apparatus or appliance used in the measurement of the consumption of fuel by the customer. For the purposes of this subsection, "point of contact" means the outlet of the meter or the connection to the customer's gas piping, whichever is farther downstream.

(12) "Gas piping" means pipes, valves, or fittings used to convey fuel gas installed on a premise or in a building. "Gas piping" does not include gas company service piping or any gas piping used directly in the generation of electricity by an electric utility or a commercial-scale nonutility generator of electricity.

(13) "Gas piping work" means to design, fabricate, construct, install, replace, or service gas piping and venting related to gas piping.

(14) "Hearth products" means any fuel gas or oil-fueled appliance that has a visual presence in a living space of a residence

or any outdoor fuel gas barbecue or fireplace that is listed to the appropriate underwriters laboratories, American national standards institute, or ASTM international product safety standard.

(15) "Hours of HVAC/R work" means any combination of accrued hours of HVAC/R work performed while:

(a) Employed by an HVAC/R contractor or a person exempt from the requirements of chapter 18.27 RCW, chapter 19.28 RCW, or this chapter;

(b) Employed by a registered or licensed general or specialty contractor, or the equivalent, in another state or country; or

(c) Serving in the United States armed forces.

(16) "HVAC" means heating, ventilating, and air conditioning.

(17)(a) "HVAC equipment and systems" means equipment necessary for any system that heats, cools, conditions, ventilates, filters, humidifies, or dehumidifies environmental air for residential, industrial, or commercial use, including all related ventilation and ducting systems.

(b) "HVAC equipment and systems" does not include: (i) Solid fuel burning devices, such as wood stoves and coal stoves; (ii) gas company service piping; (iii) gas piping other than that necessary to deliver fuel; or (iv) boilers.

(18) "HVAC work" means to design, fabricate, construct, install, replace, service, test, or adjust and balance HVAC equipment and systems.

(19) "HVAC/R" means heating, ventilating, air conditioning, and refrigeration.

(20) "HVAC/R contractor" means any person who:

(a) Advertises for, offers to perform, submits a bid for, or performs any HVAC/R work covered by the provisions of this chapter;

(b) Employs anyone, or offers or advertises to employ anyone, to perform any HVAC/R work that is subject to the provisions of this chapter; or

(c) Is registered under section 2(1)(b) of this act.

(21) "HVAC/R equipment and systems" means HVAC equipment and systems, refrigeration systems, and gas piping.

(22) "HVAC/R mechanic certificate" means any of the certificates identified under section 7 of this act.

(23) "HVAC/R operator certificate" means the certificate identified under section 10 of this act.

(24) "HVAC/R work" means all HVAC work, refrigeration work, and gas piping work not otherwise exempted by this chapter.

(25) "Person" or "company," used interchangeably throughout this chapter, means any individual, corporation, partnership, limited partnership, organization, or any other entity whatsoever, whether public or private.

(26) "Property management company" means a company that is operating in compliance with state real estate licensing rules and is under contract with a property owner to manage the buildings.

(27) "Refrigeration system" means a combination of interconnected refrigerant-containing parts constituting one closed refrigerant circuit in which a refrigerant is circulated for the purpose of extracting heat and includes systems in which a secondary coolant, cooled or heated by the refrigeration system, is circulated to the air or other substance to be cooled or heated.

(28) "Refrigeration work" means to design, fabricate, construct, install, replace, or service refrigeration systems.

(29) "Service" means to repair, modify, or perform other work required for the normal continued performance of HVAC/R equipment and systems.

(30) "Specialty certificate" means any of the certificates identified under section 6 of this act.

(31) "Technical college" means a public community or technical college, or a not-for-profit nationally accredited technical or trade school licensed by the workforce training and education coordinating board under chapter 28C.10 RCW.

(32) "Temporary certificate" means any of the certificates issued under section 8 of this act.

(33) "Trainee" means a person who has been issued a trainee certificate by the department under section 9 of this act.

(34) "Trainee certificate" means any certificate issued under section 9 of this act.

(35) "Valid" means not expired, revoked, or suspended.

NEW SECTION. **Sec. 2.** CONTRACTOR REGISTRATION--CONCURRENT REGISTRATION--REQUIREMENTS. (1) Except as provided in this chapter, it is unlawful for:

(a) Any person to engage in business as an HVAC/R contractor, within the state, without having been issued a valid registration as a contractor under chapter 18.27 RCW;

(b) Any person, on or after July 1, 2009, to engage in business as an HVAC/R contractor, within the state, without having been issued a valid registration as an HVAC/R contractor from the department; and

(c) Any person, on and after July 1, 2010, to employ a person to perform or offer to perform HVAC/R work who has not been issued a valid HVAC/R mechanic certificate, specialty certificate, temporary HVAC/R mechanic certificate, trainee certificate, or HVAC/R operator certificate issued by the department under this chapter.

(2) The department shall prescribe an application form to be used to apply for an HVAC/R contractor registration under this chapter, and shall ensure that the person applying for an HVAC/R contractor registration is also a registered general or specialty contractor under chapter 18.27 RCW before it issues that person an HVAC/R contractor registration.

(3) For a person who may be issued two or more registrations or licenses provided for in chapter 18.27 RCW, chapter 19.28 RCW, or this chapter, the department shall establish on or before July 1, 2011, a single registration/licensing document. The document shall list all of the person's registrations and licenses.

(4) Regardless of when the HVAC/R contractor registration is issued, it shall become suspended, revoked, expired, or renewed at the same time as the registration issued under chapter 18.27 RCW.

(5) No bond or security in addition to that required of contractors under chapter 18.27 RCW shall be required of an HVAC/R contractor under this chapter.

(6) This section does not apply to:

(a) A person who is contracting for HVAC/R work on his or her own residence;

(b) A person whose employees perform only HVAC/R work exempted under section 4 of this act; or

(c) A person who is specifically exempted under RCW 18.27.090 from contractor registration requirements.

NEW SECTION. **Sec. 3.** CERTIFICATE REQUIRED--LOCAL PREEMPTION. (1) Except as provided in this chapter, it is unlawful for any person, on and after July 1, 2010, to perform or offer to perform HVAC/R work without having been issued a valid HVAC/R mechanic certificate, specialty certificate, temporary HVAC/R mechanic certificate, or trainee certificate under this chapter.

(2) Except as provided in section 4(1)(o) of this act, no political subdivision of the state shall require a person possessing a valid HVAC/R certificate, specialty certificate, temporary HVAC/R

mechanic certificate, trainee certificate issued by the department under this chapter, or any person who is exempted under this chapter to demonstrate any additional proof of competency in, obtain any license for, or pay any fee to perform HVAC/R work in that political subdivision.

NEW SECTION. **Sec. 4.** EXEMPTIONS FROM CERTIFICATION. (1) The provisions of section 3(1) of this act do not apply to a person:

(a) Cleaning or replacing air filters, lubricating bearings, replacing fan belts, cleaning evaporators or condensers, cleaning cooling towers, or equipment logging on any HVAC/R equipment or systems;

(b) Performing HVAC/R work on HVAC/R equipment or systems that: (i) Contain six pounds or less of any refrigerant and is actuated by a motor or engine having a standard rating of one-quarter horsepower or less; or (ii) are an absorption system that has a rating of one-quarter ton or less refrigeration effect;

(c) Setting oil tanks and related piping to a furnace;

(d) Setting propane tanks and related piping outside a building;

(e) Performing gas piping work on a fuel burning appliance with a maximum capacity of five hundred thousand BTUH while holding a valid journeyman plumber certificate issued under chapter 18.106 RCW or a valid specialty plumber certificate issued under chapter 18.106 RCW for performing services in RCW 18.106.010(10)(a);

(f) Performing HVAC/R work at his or her residence, farm, place of business, or on other property owned by him or her, unless the HVAC/R work is performed in the construction of a new building intended for rent, sale, or lease;

(g) Performing HVAC/R work on his or her own property or to regularly employed persons working on the premises of their employer, unless the HVAC/R work is performed in the construction of a new building intended for rent, sale, or lease;

(h) Performing HVAC/R work for or on behalf of a gas company when such work is (i) incidental to the business of delivering fuel gas to the premises or (ii) performed pursuant to any tariff on file with the state utilities and transportation commission;

(i) Licensed under chapter 18.08 or 18.43 RCW who is designing HVAC/R equipment or systems, but who is not otherwise performing HVAC/R work;

(j) Making a like-in-kind replacement of a household appliance;

(k) Installing wood or pellet stoves, including directly related venting such as a chimney or flue;

(l) Performing minor flexible ducting repairs in a single-family residential structure;

(m) Performing cleaning, repair, or replacement of fuel oil filters and nozzles of an oil heat burner assembly;

(n) Making like-in-kind replacement of an oil heat furnace in a single-family residential structure and the associated fittings necessary to connect the replacement oil heat furnace to existing ductwork in a single-family residential structure; or

(o) Installing, replacing, and servicing hearth products. As used in this subsection, "installing and replacing" means removing and setting the hearth product pursuant to manufacturer instructions and specifications, connecting a hearth product with or disconnecting the hearth product from an approved flexible gas supply line not to exceed thirty-six inches in length, and installing or uninstalling venting that is directly related to the hearth product and that has been provided in the same packaging of the hearth product by the manufacturer.

(2) Nothing in this section precludes any person who is exempted under this section from obtaining an HVAC/R mechanic certificate, specialty certificate, temporary HVAC/R mechanic certificate, trainee certificate, or HVAC/R operator certificate if they otherwise meet the requirements of this chapter.

NEW SECTION. **Sec. 5.** TEMPORARY EXEMPTION FROM CERTIFICATION. (1) Except for persons performing refrigeration work in a city with a population of five hundred thousand or more, the provisions of section 3(1) of this act do not apply to a person performing refrigeration work on a refrigeration system:

(a) Using only class A1 refrigerants;

(b) Used primarily for the refrigeration of food products; and

(c) Physically located in an establishment whose North American industry classification system code is within "445."

(2) Nothing in this section precludes any person exempted under this section from obtaining any of the certificates provided for in this chapter if he or she otherwise meets the requirements of this chapter.

(3) This section expires June 30, 2013.

NEW SECTION. **Sec. 6.** SPECIALTY CERTIFICATES--SCOPE OF WORK. The department may issue the following specialty certificates to an applicant who has successfully met the requirements under this chapter for a specialty certificate, and the scope of work that may be performed by a person under each of the specialty certificates is as follows:

(1) Gas piping specialty mechanic I/II. A person issued a gas piping specialty mechanic I/II certificate may perform gas piping work on a fuel burning appliance with a maximum capacity of five hundred thousand BTUH.

(2) Refrigeration specialty mechanic I. A person issued a refrigeration specialty mechanic I certificate may perform refrigeration work on a refrigeration system that contains less than thirty pounds of class A1 refrigerants.

(3) HVAC specialty mechanic I. A person issued an HVAC specialty mechanic I certificate may perform HVAC work on HVAC equipment and systems of seven and one-half tons or less or HVAC equipment and systems of three thousand three hundred seventy-five CFM or less.

(4) Refrigeration specialty mechanic II. A person issued a refrigeration specialty mechanic II certificate may perform refrigeration work on a refrigeration system that contains less than seventy pounds of class A1 refrigerants.

(5) HVAC specialty mechanic II. A person issued an HVAC specialty mechanic II certificate may perform:

(a) HVAC work authorized to be performed by an HVAC specialty mechanic I; and

(b) HVAC work on HVAC equipment and systems of twenty tons or less or HVAC equipment and systems of nine thousand CFM or less.

(6) Gas piping specialty mechanic III. A person issued a gas piping specialty mechanic III certificate may perform all gas piping work on any fuel burning appliance.

(7) Refrigeration specialty mechanic III. A person issued a refrigeration specialty mechanic III certificate may perform refrigeration work on any refrigeration system using any refrigerant.

(8) HVAC specialty mechanic III. A person issued an HVAC specialty mechanic III certificate may perform all HVAC work on HVAC equipment and systems.

NEW SECTION. **Sec. 7.** HVAC/R MECHANIC CERTIFICATES--SCOPE OF WORK. The department may issue the following HVAC/R mechanic certificates to an applicant who has successfully met the requirements under this chapter for an HVAC/R

certificate, and the scope of work that may be performed by a person under each of the HVAC/R mechanic certificates is as follows:

(1) HVAC/R mechanic I. A person issued an HVAC/R mechanic I certificate may perform:

(a) Gas piping work authorized to be performed by a gas piping specialty mechanic I/II;

(b) Refrigeration work authorized to be performed by a refrigeration specialty mechanic I; and

(c) HVAC work authorized to be performed by an HVAC specialty mechanic I.

(2) HVAC/R mechanic II. A person issued an HVAC/R mechanic II certificate may perform:

(a) Gas piping work authorized to be performed by a gas piping specialty mechanic I/II;

(b) Refrigeration work authorized to be performed by a refrigeration specialty mechanic II; and

(c) HVAC work authorized to be performed by an HVAC specialty mechanic II.

(3) HVAC/R mechanic III. A person issued an HVAC/R mechanic III certificate may perform:

(a) Gas piping work authorized to be performed by a gas piping specialty mechanic III;

(b) Refrigeration work authorized to be performed by a refrigeration specialty mechanic III; and

(c) HVAC work authorized to be performed by an HVAC specialty mechanic III.

NEW SECTION. **Sec. 8.** TEMPORARY HVAC/R CERTIFICATE--APPLICATION--EXAMINATION REQUIRED. (1) On and after July 1, 2010, a person who has performed HVAC/R work in other states or countries may, in a form and manner prescribed by the department, apply for a temporary HVAC/R mechanic certificate to perform HVAC/R work in this state. The application shall contain evidence of the person's hours of HVAC/R work in the other states or countries that is verifiable by the department.

(2) Upon review of the application provided in subsection (1) of this section, the department may:

(a) If the applicant has accrued less than two thousand hours of HVAC/R work, not issue a temporary HVAC/R mechanic certificate;

(b) If the applicant has accrued two thousand hours or more, but less than four thousand hours of HVAC/R work, issue a temporary HVAC/R mechanic I certificate;

(c) If the applicant has accrued four thousand hours or more, but less than eight thousand hours of HVAC/R work, issue a temporary HVAC/R mechanic II certificate; or

(d) If the applicant has accrued eight thousand hours or more of HVAC/R work, issue a temporary HVAC/R mechanic III certificate.

(3) The temporary HVAC/R mechanic certificate issued under this section shall clearly indicate on the document that it is temporary in nature and contain the period for which it is valid.

(4) A person issued a temporary HVAC/R mechanic certificate shall have that certificate in his or her possession when performing any HVAC/R work and shall show the certificate to any authorized representative of the department upon request.

(5) A person issued a temporary HVAC/R mechanic certificate under this section may only perform the scope of work authorized under section 7 of this act for the equivalent HVAC/R mechanic certificate and may not supervise any person with a trainee certificate issued under this chapter.

(6) A temporary HVAC/R mechanic certificate issued under this section shall be valid for ninety days from the date the department issues a certificate or until the date the department furnishes to the applicant the results of their examination for the equivalent HVAC/R mechanic certificate, whichever is later. The applicant must take the examination provided under this chapter for the equivalent HVAC/R mechanic certificate within the ninety-day period granted under this subsection.

NEW SECTION. **Sec. 9.** TRAINEE CERTIFICATE. (1) A person may, in a form and manner prescribed by the department, apply for a trainee certificate to perform HVAC/R work in the state.

(2) Upon receipt of the application, the department shall issue a trainee certificate to the applicant.

(3) The HVAC/R work performed under a trainee certificate issued pursuant to this section must be:

(a) Within the scope of work authorized under that certificate;

(b) On the same job site and under the direction of an appropriately certified HVAC/R mechanic or an appropriately certified specialty mechanic; and

(c) Under the applicable supervision ratios required in section 17 of this act.

(4) A trainee shall have his or her certificate in his or her possession when performing any HVAC/R work and shall show the certificate to any authorized representative of the department upon request.

(5) A trainee certificate shall be valid for a maximum of two years from the date of issuance. The certificate shall include the expiration date.

(6) The department may only renew a training certificate when the trainee provides the department with:

(a) An accurate list of the persons who employed the trainee in HVAC/R work for the previous two-year period and the number of hours of HVAC/R work performed under each employer; and

(b) Evidence that the trainee has met the continuing education requirements in section 19 of this act.

(7) If a person applies for a trainee certificate under this section and electrical trainee status under chapter 19.28 RCW, the department shall create, on or before July 1, 2011, a single document for that person that represents this concurrent trainee status.

(8) A trainee who has not successfully passed any portion of the examinations provided for in section 13 of this act is prohibited from performing HVAC/R work in excess of two thousand hours beyond the amount of hours required to become eligible under the requirements of section 14(2)(c) of this act to take the examination for an HVAC/R mechanic III certificate.

NEW SECTION. **Sec. 10.** HVAC/R OPERATOR CERTIFICATION. (1) An HVAC/R operating engineer may, in a form and manner prescribed by the department, apply for an HVAC/R operator certificate. For the purposes of this subsection, "HVAC/R operating engineer" means a full-time employee who spends a substantial portion of time in the maintenance and operation of HVAC/R equipment and systems in a building, or portion thereof, used for occupant comfort, manufacturing, processing, or storage of materials or products including, but not limited to, chemicals, food, candy, and ice cream factories, ice-making plants, meat packing plants, refineries, perishable food warehouses, hotels, hospitals, restaurants, and similar occupancies and equipped with a refrigeration system and whose duty it is to operate, maintain, and keep safe and in serviceable condition all of the employer's HVAC/R equipment and systems.

(2) The department may issue an HVAC/R operator certificate to an applicant who has successfully passed the examination provided for in subsection (8) of this section.

(3) The scope of work that may be performed by a person under an HVAC/R operator certificate is as follows:

(a) Cleaning or replacing air filters, lubricating bearings, replacing fan belts, cleaning evaporators or condensers, cleaning cooling towers, or equipment logging on any HVAC/R equipment or systems; or

(b) Performing minor HVAC/R equipment and systems repair and HVAC/R work on sealed HVAC/R equipment and systems.

(4) A person who performs HVAC/R work on HVAC/R equipment or systems that: (a) Contain six pounds or less of any refrigerant and is actuated by a motor or engine having a standard rating of one-quarter horsepower or less; or (b) are an absorption system that has a rating of one-quarter ton or less refrigeration effect, is not required to obtain a certificate under this section.

(5) Any person issued a valid refrigeration operating engineer license by the city of Seattle shall be issued an HVAC/R operator certificate without meeting any additional requirements.

(6) A person issued a valid HVAC/R operator certificate under this section shall have his or her certificate in his or her possession when performing any HVAC/R work and shall show the certificate to any authorized representative of the department upon request.

(7) An HVAC/R operator certificate issued under this section shall be valid for a maximum of three years and shall expire on the holder's birthdate. The certificate shall include the expiration date.

(8) The department shall develop an examination that an applicant must pass before they can be issued an HVAC/R operator certificate under this section. The exam shall be comparable to the current refrigeration operating engineer license test used by the city of Seattle.

(9) The hours accrued as an HVAC/R operating engineer under this section may accrue towards the hours required to be eligible to take an examination for an HVAC/R mechanic certificate under section 14 of this act only if the HVAC/R operating engineer is supervised by an appropriately certified HVAC/R mechanic or appropriately supervised specialty mechanic and was issued a trainee certificate under section 9 of this act.

NEW SECTION. **Sec. 11.** HVAC/R MECHANIC CERTIFICATION WITHOUT EXAMINATION. (1) From July 1, 2009, until June 30, 2010, a person who has performed HVAC/R work may, in a form and manner prescribed by the department, apply for an HVAC/R mechanic certificate without examination. The application shall contain evidence of the person's hours of HVAC/R work or other required information that is verifiable by the department.

(2) Upon review of the application provided in subsection (1) of this section, the department shall:

(a) If the applicant has, since January 1, 1988, accrued less than two thousand hours of HVAC/R work, not issue any HVAC/R mechanic certificate;

(b) If the applicant has, since January 1, 1988, accrued two thousand hours or more, but less than four thousand hours of HVAC/R work, issue an HVAC/R mechanic I certificate;

(c) If the applicant has, since January 1, 1988, accrued four thousand hours or more, but less than eight thousand hours of HVAC/R work, issue an HVAC/R mechanic II certificate; or

(d) If the applicant has, since January 1, 1988:

(i) Accrued eight thousand hours or more of HVAC/R work;

(ii) Completed an appropriately related apprenticeship program approved under chapter 49.04 RCW; or

(iii) Completed an appropriately related apprenticeship program in another state or country equivalent to that provided in chapter 49.04 RCW, issue an HVAC/R mechanic III certificate.

(3) Once the appropriate level of HVAC/R mechanic certificate is issued to a person under this section, that person shall become subject to the other provisions of this chapter for any additional certifications.

(4) This section expires July 1, 2010.

NEW SECTION. **Sec. 12.** SPECIALTY CERTIFICATION WITHOUT EXAMINATION. (1) From July 1, 2009, until June 30, 2010, a person who has performed HVAC/R work may, in a form and manner prescribed by the department, apply for specialty certificates without examination. The application shall contain evidence of the person's hours of HVAC/R work or other required information that is verifiable by the department.

(2) Upon review of the application provided in subsection (1) of this section, the department shall:

(a) If the applicant holds a valid journey refrigeration mechanic license issued by the city of Seattle, issue a refrigeration specialty mechanic III certificate and an HVAC specialty mechanic III certificate;

(b) If the applicant has, since January 1, 1988, accrued one thousand hours of gas piping work, issue a gas piping specialty mechanic I/II certificate;

(c) If the applicant was licensed in any local jurisdiction to perform gas piping work on a fuel burning appliance with a maximum capacity of five hundred thousand BTUH or less, issue a gas piping specialty mechanic I/II certificate; and

(d) If the applicant was licensed in any local jurisdiction to perform all gas piping work on any fuel burning appliance, issue a gas piping specialty mechanic III certificate.

(3) The specialty certificates provided for in subsection (2) of this section shall be in addition to any HVAC/R mechanic certificate issued by the department under section 11 of this act.

(4) Once the appropriate level of specialty certificate is issued to a person under this section, that person shall become subject to the other provisions of this chapter for any additional certifications.

(5) This section expires July 1, 2010.

NEW SECTION. **Sec. 13.** EXAMINATION. (1) The department, with advice from the board, shall prepare three separate examinations for the assessment of each level of HVAC/R mechanic certification created in section 7 of this act. Within each examination, there shall be a distinct portion that assesses the competency of the applicant in the appropriate level of gas piping work, refrigeration work, and HVAC work. The department shall adopt rules necessary to implement this section.

(2) The examinations provided for under this section shall be constructed to determine:

(a) Whether the applicant possesses general knowledge of the technical information and practical procedures that are identified within the relevant scope of work; and

(b) Whether the applicant is familiar with the applicable laws and administrative rules of the department pertaining to the relevant scope of work.

(3) The department, with advice from the board, may enter into a contract with a professional testing agency to develop, administer, and score the examinations provided for in this section.

(4) The department must administer, at least four times annually, each examination provided under this section to applicants who are eligible for examination under this chapter.

(5) The department must certify the results of each examination administered under this section upon the terms and after such a period of time as the department, with the advice of the board, deems necessary and proper.

(6) A person may be given the appropriate level of examination they are eligible to take as many times as necessary without limit.

(7) The department, with the advice of the board, may adopt policies and procedures to make examinations available in alternative languages or formats to accommodate all applicants who are eligible for examination under this chapter.

NEW SECTION. **Sec. 14.** APPLICATION FOR EXAMINATION--ELIGIBILITY. (1) A person with a valid temporary HVAC/R mechanic certificate or trainee certificate may, in a form and manner prescribed by the department, apply for any of the examinations provided for in section 13 of this act. The application shall contain evidence of the person's hours of HVAC/R work or other required information that is verifiable by the department.

(2) Upon receipt of an application for examination under this section, the department shall review the application and determine whether the applicant is eligible to take an examination for an HVAC/R mechanic certificate using the following criteria:

(a) HVAC/R mechanic I certificate. To be eligible to take the examination for an HVAC/R mechanic I certificate, the applicant must have:

(i) Performed a minimum of one thousand hours of HVAC/R work and the entire amount of those hours must be supervised;

(ii) Performed two thousand hours of HVAC/R work and seventy-five percent of those hours must be supervised; or

(iii) Successfully completed an appropriately related apprenticeship program approved under chapter 49.04 RCW that meets the requirements of this level of certification.

(b) HVAC/R mechanic II certificate. To be eligible to take the examination for an HVAC/R mechanic II certificate, the applicant must have:

(i) Performed a minimum of four thousand hours of HVAC/R work and seventy-five percent of those hours must be supervised; or

(ii) Successfully completed an appropriately related apprenticeship program approved under chapter 49.04 RCW that meets the requirements of this level of certification.

(c) HVAC/R mechanic III certificate. To be eligible to take the examination for an HVAC/R mechanic III certificate, the applicant must have:

(i) Performed under appropriate supervision levels the amount of HVAC/R work required for an HVAC/R mechanic II certificate under (b)(i) of this subsection plus an additional two thousand hours and the entire amount of the additional hours required under this subsection must be supervised;

(ii) Performed HVAC/R work for a minimum of eight thousand hours and seventy-five percent of those hours must be supervised; or

(iii) Successfully completed an appropriately related apprenticeship program under chapter 49.04 RCW that meets the requirements of this level of certification.

(3) For the purposes of this section, "supervised" means:

(a) A person has performed HVAC/R work on the same job site and under the direction of an appropriately certified HVAC/R mechanic or an appropriately certified specialty mechanic; and

(b) The appropriate supervision ratios required in section 17 of this act were followed.

(4) If any of an applicant's certificates issued prior to the current application have been revoked, the department may deny the current application for up to two years.

(5) Upon determining that the applicant is eligible to take an examination under this section, the department shall so notify the applicant, indicating the time and place for taking the examination.

(6) Work hours being accrued by an applicant as hours of HVAC/R work under this chapter or towards electrical certification under chapter 19.28 RCW may be credited for both the hours of HVAC/R work required under this chapter and the hours of work required under chapter 19.28 RCW.

(7) If an applicant is eligible for an examination under this section and an examination under chapter 19.28 RCW, the department may administer all such examinations at the same examination session. However, upon request of the applicant, the department may administer each examination at the time required in statute or rule for each examination.

NEW SECTION. **Sec. 15.** ALTERNATIVES TO WORK EXPERIENCE. (1) A person who has applied for an examination under section 14 of this act and who has successfully completed a board-approved program in HVAC/R work at a technical college, may substitute technical college program hours for hours of HVAC/R work as follows:

	Type of Certificate	**Substitution for Hours of HVAC/R Work**
(a)	HVAC/R Mechanic I	Up to 1,000 hours of technical college program may be substituted for up to 1,000 hours of HVAC/R work.
(b)	HVAC/R Mechanic II	Up to 2,000 hours of technical college program may be substituted for up to 2,000 hours of required HVAC/R work.
(c)	HVAC/R Mechanic III	Up to 4,000 hours of technical college program may be substituted for up to 4,000 hours of HVAC/R work.

(2) A person who has applied for an examination under section 14 of this act and who has received training in HVAC/R work in the United States armed forces may substitute those training hours for hours of HVAC/R work subject to approval of the department.

(3) The department shall determine whether program hours accrued under subsection (1) of this section or the training hours accrued under subsection (2) of this section are in HVAC/R work and are appropriate as a substitute for hours of HVAC/R work.

NEW SECTION. **Sec. 16.** ISSUANCE OF CERTIFICATES--RENEWAL. (1) If an applicant passes all portions of the examination administered to him or her under this chapter, that person:

(a) Is entitled to be issued the appropriate level of HVAC/R mechanic certificate; and

(b) Is subject to the other provisions of this chapter for additional certifications.

(2) If an applicant fails to pass one or more portions of an examination administered to him or her under this chapter, that person:

(a) Is still entitled to be issued the appropriate specialty certificate for each portion of the examination that was passed; and

(b) Is subject to the other provisions of this chapter for additional certifications.

(3)(a) If an applicant demonstrates that he or she has passed required modules of a national certification program and, as a result, has been issued an equivalent level of certification by the national propane gas association, that person is entitled to be issued a gas piping specialty mechanic I/II certificate.

(b) A person certified as a gas piping specialty mechanic I/II under (a) of this subsection is subject to the requirements of this chapter to obtain any additional certificates.

(c) Nothing in this subsection (3) shall be construed to prohibit a person from obtaining any of the other certificates provided for in this chapter if they otherwise meet the requirements of this chapter.

(4) An HVAC/R mechanic certificate or specialty certificates shall be valid for a maximum of three years and shall expire on the holder's birthdate. All certificates shall include the expiration date.

(5) A person issued an HVAC/R mechanic certificate or specialty certificate may only perform the scope of work authorized under sections 6 and 7 of this act for the certificate.

(6) A person issued an HVAC/R mechanic certificate or specialty certificate shall have the certificate in his or her possession when performing any HVAC/R work and shall show the certificate to any authorized representative of the department upon request.

(7) The department shall renew an HVAC/R mechanic certificate or specialty certificate if the person issued the certificate:

(a) Applies for renewal of his or her certificate not more than ninety days after the certificate expires; and

(b) Has complied with the continuing education requirement in section 19 of this act.

(8) The department may not renew a certificate that has been revoked or suspended.

(9) The department may deny renewal of a certificate if the person seeking renewal owes outstanding penalties for a final judgment under this chapter.

(10) The department shall, on or before July 1, 2011, create a single document and establish a single expiration date for a person who holds two or more certificates or specialty certificates under chapter 18.106 RCW, chapter 19.28 RCW, and this chapter. The document shall list all of the person's certificates and specialty certificates.

NEW SECTION. **Sec. 17.** SUPERVISION RATIOS--SUPERVISION. (1) The ratio of trainees to appropriately certified HVAC/R mechanics or appropriately certified specialty mechanics on the same job site must not be greater than:

(a) For trainees not in a technical college program, two trainees to each appropriately certified HVAC/R mechanic or appropriately certified specialty mechanic; or

(b) For trainees in a technical college program, four trainees to each appropriately certified HVAC/R mechanic or appropriately certified specialty mechanic.

(2) When the ratio of trainees to appropriately certified HVAC/R mechanics or appropriately certified specialty mechanics on a job site is one appropriately certified HVAC/R mechanic or appropriately certified specialty mechanic to one or two trainees, the appropriately certified HVAC/R mechanic or appropriately certified specialty mechanic must be on the same job site as the trainees for a minimum of seventy- five percent of each working day.

(3) When the ratio of trainees to appropriately certified HVAC/R mechanics or appropriately certified specialty mechanics on a job site is one appropriately certified HVAC/R mechanic or appropriately certified specialty mechanic to three or four trainees, the appropriately certified HVAC/R mechanic or appropriately certified specialty mechanic must:

(a) Directly supervise and instruct the trainees and may not directly make or engage in HVAC/R work; and

(b) Be on the same job site as the trainees for one hundred percent of each working day.

(4) Hours of HVAC/R work that are performed when the supervision ratios are not in compliance with this section do not qualify as supervised hours when accruing hours of HVAC/R work under this chapter.

(5) Notwithstanding any other provision of this chapter, a person:

(a) Who has successfully completed, or is currently enrolled in, an approved appropriately related apprenticeship program or an HVAC/R program at a technical college may perform, unsupervised, the remaining six months of the experience requirements of this chapter;

(b) Determined to be eligible for examination under section 14(2)(a)(i) of this act and who passes all portions of that examination, may perform, unsupervised, the remaining one thousand hours of HVAC/R work required under this chapter for an HVAC/R mechanic I certificate. However, all HVAC/R work performed by this person must be within the scope of work for an HVAC/R mechanic I certificate and this person may not supervise other trainees until they have completed the full two thousand hours of HVAC/R work required by this chapter;

(c) Determined to be eligible for examination under section 14(2)(c)(i) of this act and who passes all portions of that examination, may perform, unsupervised, the remaining two thousand hours of HVAC/R work required under this chapter for an HVAC/R mechanic III certificate. However, all HVAC/R work performed by this person must be within the scope of work for an HVAC/R mechanic III certificate and this person may not supervise other trainees until they have completed the full eight thousand hours of HVAC/R work required by this chapter.

NEW SECTION. **Sec. 18.** CONTRACTOR REPORTING--AUDIT OF RECORDS. (1) Every person who employs a trainee performing HVAC/R work shall report to the department:

(a) The names and certificate numbers of any trainee who performed HVAC/R work for them and the hours of HVAC/R work performed by each trainee; and

(b) The names and certificate numbers of the appropriately certified HVAC/R mechanics or appropriately certified specialty mechanics who supervised the trainees identified in (a) of this subsection.

(2) Every person who reported hours of HVAC/R work performed by trainees under subsection (1) of this section shall attest that all of the reported hours of HVAC/R work performed by trainees was in compliance with the supervision ratio requirements in section 17 of this act.

(3) The department may audit the records of a person who reported hours of HVAC/R work performed by trainees under

subsection (1) of this section in the following circumstances: (a) Excessive hours were reported; (b) hours were reported outside the normal course of the HVAC/R contractor's business; (c) the type of hours reported do not reasonably match the type of permits purchased; or (d) for other similar circumstances in which the department demonstrates a likelihood of excessive hours being reported. The department shall limit the audit to records necessary to verify hours.

(4) Information obtained by the department from any person under this section is confidential and exempt from public disclosure under chapter 42.56 RCW.

NEW SECTION. **Sec. 19.** CONTINUING EDUCATION. (1) A person issued an HVAC/R mechanic certificate or any specialty certificates under this chapter must, prior to the renewal date on their certificate, demonstrate satisfactory completion of twenty-four hours of continuing education.

(2) The department, with the advice of the board, shall determine the contents of the continuing education courses required in subsection (1) of this section and establish the requirements for satisfactory completion of such courses. If the department determines that a continuing education course offered in another state is comparable to courses offered in Washington, the department shall accept proof of satisfactory completion of the out-of-state course as meeting the continuing education requirement in this section.

(3) A trainee must, prior to the renewal date on their certificate, demonstrate satisfactory completion of sixty hours of related supplemental instruction or equivalent training courses, or courses taken as part of an appropriately related apprenticeship program approved under chapter 49.04 RCW.

(4) The department, with the advice of the board, shall determine the contents of the related supplemental instruction or equivalent training courses, or courses taken as part of an appropriately related apprenticeship program approved under chapter 49.04 RCW required under subsection (3) of this section, and establish the requirements for satisfactory completion of such courses.

(5) All hours required under this section shall be accrued concurrently and shall not exceed sixty hours for any person in any certificate renewal period.

(6) Hours of approved continuing education required under this section and hours of approved continuing education required under chapter 19.28 RCW may be accrued concurrently. However, nothing in this subsection shall be construed to relieve any person from having to complete any continuing education mandated by the department by rule pursuant to this chapter or pursuant to chapter 19.28 RCW.

NEW SECTION. **Sec. 20.** RECIPROCITY. The department may enter into a reciprocity agreement with another state whose certification requirements are equal to the standards set under this chapter. The reciprocity agreement shall provide for the acceptance of Washington and the other state's certification program or its equivalent by Washington and the other state.

NEW SECTION. **Sec. 21.** SUSPENSION AND REVOCATION. (1) The department may revoke any certificate issued under this chapter if the department determines that the recipient: (a) Obtained the certificate through error or fraud; (b) is incompetent to perform HVAC/R work; or (c) committed a violation of this chapter or rules adopted under this chapter that presents imminent danger to the public.

(2) The department shall immediately suspend the certificates of any person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the certificate shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order.

NEW SECTION. **Sec. 22.** APPLICATION OF ADMINISTRATIVE PROCEDURE ACT. The proceedings for denying applications, suspending or revoking certificates, and imposing civil penalties or other remedies issued pursuant to this chapter and any appeal from those proceedings or review of those proceedings shall be governed by the provisions of the administrative procedure act, chapter 34.05 RCW.

NEW SECTION. **Sec. 23.** LIABILITY. (1) This chapter may not be construed to relieve from or lessen the responsibility or liability of any person for injury or damage to person or property caused by or resulting from any HVAC/R work performed by the person.

(2) The state of Washington and its officers, agents, and employees may not be held liable for any acts performed pursuant to this chapter.

NEW SECTION. **Sec. 24.** HVAC/R BOARD. (1) An HVAC/R board is established.

(2) The board shall consist of thirteen members to be appointed by the governor with the advice of the director.

(a) Four members shall be certified HVAC/R mechanics, of which at least one, but not more than two, shall be a certified HVAC/R mechanic performing HVAC/R work east of the crest of the Cascade mountains.

(b) Four members shall be HVAC/R contractors, of which at least one, but not more than two, shall be an HVAC/R contractor doing business east of the crest of the Cascade mountains.

(c) One member shall be from the general public and be familiar with HVAC/R work.

(d) One member shall be a building operator representing the commercial property management industry.

(e) One member shall be from the stationary operating engineers.

(f) One member shall be from a technical college or an approved apprenticeship training program.

(g) One member shall be a building official familiar with enforcement of HVAC/R work.

(3) Except as provided in this subsection, the term of each member shall be three years. The term of each initial member shall expire as follows: (a) The terms of the first certified HVAC/R mechanic and the first HVAC/R contractor shall expire July 1, 2009; (b) the terms of the second certified HVAC/R mechanic, the second HVAC/R contractor, and the public member shall expire July 1, 2010; and (c) the terms of the third certified HVAC/R mechanic and the third certified HVAC/R contractor shall expire July 1, 2011. To ensure that the board may continue to act, a member whose term expires shall continue to serve until his or her replacement is appointed. In the case of any vacancy on the board for any reason, the governor shall appoint a new member to serve out the term of the person whose position has become vacant.

(4) The board shall, at its first meeting, elect one of its members to serve as chair.

(5) The board shall meet at least quarterly in accordance with a schedule established by the board.

(6) The board shall:

(a) Conduct proceedings for denying applications, suspending or revoking certificates, and imposing civil penalties or other remedies. Such proceedings shall be conducted in accordance with chapter 34.05 RCW;

(b) Review and make recommendations to adopt, amend, or repeal any rules under this chapter. The director may not adopt, amend, or repeal any rules until the board has conducted its review and made its recommendations;

(c) Establish an alternative method or methods for persons to attest for hours of HVAC/R work when applying for certificates under this chapter, but only when all traditional methods allowing for verification of hours of HVAC/R work have been exhausted;

(d) Approve expenditures from the plumbing and HVAC/R certificate fund; and

(e) Advise the department on all other matters relative to this chapter.

(7) The members of the board are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. **Sec. 25.** ADMINISTRATION. (1) The director may adopt rules necessary for the administration of this chapter.

(2) The department shall administer this chapter in conjunction with its administration of chapter 18.106 RCW.

(3) In the administration of this chapter, the department shall not enter any controversy arising over work assignments with respect to the trades involved in the construction industry.

NEW SECTION. **Sec. 26.** EFFECT ON OTHER LAWS. With the exception of sections 2(3), 9(7), 14 (6) and (7), 16(10), and 19(6) of this act, nothing in this chapter shall be construed to:

(1) Modify, amend, or supersede chapter 18.106 or 19.28 RCW;

(2) Prohibit or restrict an individual who is certified under chapter 18.106 or 19.28 RCW from engaging in the trade in which he or she is certified; or

(3) Regulate or include plumbing work defined in chapter 18.106 RCW and its applicable rules or electrical work defined in chapter 19.28 RCW and its applicable rules.

NEW SECTION. **Sec. 27.** COMPLIANCE AGENTS. (1) The director shall appoint compliance agents to investigate alleged or apparent violations of this chapter. The director, or authorized compliance agent, upon presentation of appropriate credentials, may inspect and investigate job sites at which an HVAC/R contractor had bid or presently is working to determine whether the HVAC/R contractor is registered and their employees are certified and working in accordance with this chapter or the rules adopted under this chapter or whether there is a violation of this chapter. Upon request of the compliance agent, an HVAC/R contractor or an employee of the HVAC/R contractor shall provide information identifying the HVAC/R contractor and those employees working on-site.

(2) If the employee of an unregistered HVAC/R contractor is cited by a compliance agent, that employee is cited as the agent of the employer, and issuance of the infraction to the employee is notice to the unregistered HVAC/R contractor that the contractor is in violation of this chapter. An employee who is cited by a compliance agent shall not be liable for any of the alleged violations contained in the citation unless the employee is also the unregistered HVAC/R contractor or the employee is performing HVAC/R work that requires a certification under this chapter without proper proof of the certification.

NEW SECTION. **Sec. 28.** NOTICE OF INFRACTION. The department may issue a notice of infraction if the department reasonably believes that a person has committed an infraction under this chapter. A notice of infraction issued under this section shall be personally served on the person named in the notice by the department's compliance agents or service can be made by certified mail directed to the person named in the notice of infraction at the last known address as provided to the department.

NEW SECTION. **Sec. 29.** NOTICE OF INFRACTION FORM. The form of the notice of infraction issued under this chapter shall include the following:

(1) A statement that the notice represents a determination that the infraction has been committed by the person named in the notice and that the determination shall be final unless contested as provided in this chapter;

(2) A statement that the infraction is a noncriminal offense for which imprisonment shall not be imposed as a sanction;

(3) A statement of the violation that necessitated issuance of the infraction;

(4) A statement of penalty involved if the infraction is established;

(5) A statement of the options provided in this chapter for responding to the notice and the procedures necessary to exercise these options;

(6) A statement that at any hearing to contest the notice of infraction the state has the burden of proving, by a preponderance of the evidence, that the infraction was committed; and that the person may subpoena witnesses, including the compliance agent of the department who issued and served the notice of infraction;

(7) A statement that, at any hearing to contest the notice of infraction against a person who is not properly registered or certified as required under this chapter, the person given the infraction has the burden of proving that the infraction did not occur;

(8) A statement that the person named on the notice of infraction must respond to the notice in one of the ways provided in this chapter; and

(9) A statement that the person's failure to timely select one of the options for responding to the notice of infraction after receiving a statement of the options provided in this chapter for responding to the notice of infraction and the procedures necessary to exercise these options is guilty of a gross misdemeanor and may be punished by a fine or imprisonment in jail.

NEW SECTION. **Sec. 30.** VIOLATIONS. A violation designated as an infraction under this chapter shall be heard and determined by an administrative law judge of the office of administrative hearings. If a person desires to contest the notice of infraction, the person shall file a notice of appeal with the department specifying the grounds of the appeal within twenty days of service of the infraction in a manner provided by this chapter. The administrative law judge shall conduct hearings in these cases at locations in the county where the infraction occurred.

NEW SECTION. **Sec. 31.** RESPONSE TO NOTICE OF INFRACTION. (1) A person who is issued a notice of infraction shall respond within twenty days of the date of issuance of the notice of infraction.

(2) If the person named in the notice of infraction does not elect to contest the notice of infraction, then the person shall pay to the department, by check or money order, the amount of the penalty prescribed for the infraction. When a response that does not contest the notice of infraction is received by the department with the appropriate penalty, the department shall make the appropriate entry in its records.

(3) If the person named in the notice of infraction elects to contest the notice of infraction, the person shall respond by filing with the department specifying the appeal to the department in the manner specified in this chapter.

(4) If any person issued a notice of infraction fails to respond within the prescribed response period, the person shall be guilty of a misdemeanor and prosecuted in the county where the infraction occurred.

(5) After final determination by an administrative law judge that an infraction has been committed, a person who fails to pay a monetary penalty within thirty days, that is not waived pursuant to this chapter, and who fails to file an appeal shall be guilty of a misdemeanor and be prosecuted in the county where the infraction occurred.

(6) A person who fails to pay a monetary penalty within thirty days after exhausting appellate remedies shall be guilty of a misdemeanor and be prosecuted in the county where the infraction occurred.

(7) If a person who is issued a notice of infraction is a person who has failed to register or be certified as required under this chapter, the person is subject to a monetary penalty per infraction as provided in the schedule of penalties established by the department, and each day the person works without becoming registered or certified is a separate infraction.

NEW SECTION. **Sec. 32.** CODIFICATION. Sections 1 through 31 of this act constitute a new chapter in Title 18 RCW.

NEW SECTION. **Sec. 33.** CAPTIONS. Captions used in this act are not any part of the law.

NEW SECTION. **Sec. 34.** SEVERABILITY. 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. 35.** EFFECTIVE DATE. This act takes effect July 1, 2008."

Correct the title.

Signed by Representatives Conway, Chair; Wood, Vice Chair; Green; Moeller and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; and Chandler, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

February 27, 2008

ESSB 5959 Prime Sponsor, Senate Committee on Ways & Means: Providing assistance to homeless individuals and families. (REVISED FOR ENGROSSED: Providing assistance to individuals and families who are homeless or at risk of being homeless.) Reported by Committee on Housing

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that there is a large, unmet need for affordable housing and affordable housing assistance in the state of Washington, causing many low-income individuals and families to be at risk of homelessness. The legislature declares that a decent, appropriate, and affordable home in a healthy, safe environment for every household should be a state goal. Furthermore, this goal includes increasing the percentage of low-income households who are ultimately able to obtain and retain housing without government subsidies or other public support.

(2) The legislature finds that the state should provide financial resources as well as case management to help individuals and families at risk of homelessness obtain and retain housing and work towards a goal of self-sufficiency where possible.

(3) The legislature finds that there are many root causes of the affordable housing shortage and declares that it is critical that such causes be analyzed, effective solutions be developed, implemented, monitored, and evaluated, and that these causal factors be eliminated. The legislature also finds that there is a taxpayer and societal cost associated with a lack of jobs that pay self-sufficiency standard wages and a shortage of affordable housing, and that the state must identify and quantify that cost.

(4) The legislature finds that the support and commitment of all sectors of the statewide community is critical to accomplishing the state's affordable housing for all goal. The legislature finds that the provision of housing and housing-related services should be administered both at the state level and at the local level. However, the state should play a primary role in: Providing financial resources to achieve the goal at all levels of government; researching, evaluating, benchmarking, and implementing best practices; continually updating and evaluating statewide housing data; developing a state plan that integrates the strategies, goals, objectives, and performance measures of all other state housing plans and programs; coordinating and supporting county government plans and activities; and directing quality management practices by monitoring both state and county government performance towards achieving interim and ultimate goals.

(5) The legislature declares that the systematic and comprehensive performance measurement and evaluation of progress toward interim goals and the immediate state affordable housing goal of a decent, appropriate, and affordable home in a healthy, safe environment for every household in the state by 2020 is a necessary component of the statewide effort to end the affordable housing crisis.

NEW SECTION. **Sec. 2.** This chapter may be known and cited as the Washington affordable housing for all act.

NEW SECTION. **Sec. 3.** There is created within the department the state affordable housing for all program. The goal of the program is a decent, appropriate, and affordable home in a

healthy, safe environment for every household in the state by 2020. A priority must be placed upon achieving this goal for extremely low-income households as well as all households who are at risk of homelessness. This goal includes: (1) Increasing the percentage of households who access housing that is affordable for their income or wage level without government assistance by increasing the number of previously very low-income households who achieve self-sufficiency and economic independence; (2) providing financial assistance, either from the state or local resources to individuals and families at risk of homelessness, coupled with supportive services to assist families to ultimately achieve self-sufficiency whenever possible; and (3) implementing strategies to keep the rising price of housing for all economic segments to a rate less than that of the overall growth in wages for each economic segment. The department shall develop and administer the affordable housing for all program. Each county shall participate in the affordable housing for all program except as provided in section 8 of this act; however, in the development and implementation of the program scope and requirements at the county level, the department shall consider: The funding level to counties, number of county staff available to implement the program, and competency of each county to meet the goals of the program; and establish program guidelines, performance measures, and reporting requirements appropriate to the existing capacity of the participating counties.

NEW SECTION. **Sec. 4.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Affordable housing" means housing that has a sales price or rental amount that is within the means of a household that may occupy low, very low, and extremely low-income housing. The department shall adopt policies for residential rental and homeownership housing, occupied by extremely low, very low, and low-income households, that specify the percentage of household income that may be spent on monthly housing costs, including utilities other than telephone, to qualify as affordable housing.

(2) "Affordable housing for all program" means the program authorized under this chapter, as administered by the department at the state level and by each county at the local level.

(3) "At risk of homelessness" means any low, very low, or extremely low-income individual or family residing in housing that is not affordable housing.

(4) "Authority" or "housing authority" means any of the public corporations created in RCW 35.82.030.

(5) "County" means a county government in the state of Washington or, except under RCW 36.22.178 (as recodified by this act), a city government or collaborative of city governments within that county if (a) the county government declines to participate in the affordable housing program and (b) as described under section 8 of this act, a city or collaborative of city governments elects to participate in the program.

(6) "County affordable housing for all plan" or "county plan" means the plan developed by each county with the goal of ensuring that every household in the county has a decent, appropriate, and affordable home in a healthy, safe environment by 2020.

(7) "County affordable housing task force" means a county committee, as described in section 6 of this act, created to prepare and recommend to its county legislative authority a county affordable housing for all plan, and also to recommend expenditures of the funds from the affordable housing for all program surcharge in RCW 36.22.178 (as recodified by this act) and all other sources directed to the county's affordable housing for all program.

(8) "Department" means the department of community, trade, and economic development.

(9) "Director" means the director of the department of community, trade, and economic development.

(10) "Eligible organizations" means eligible organizations as described in RCW 43.185.060.

(11) "Extremely low-income household" means a single person, family, or unrelated persons living together whose adjusted income is less than thirty percent of the median family income, adjusted for household size for the county where the project is located.

(12) "First-time home buyer" means an individual or his or her spouse who have not owned a home during the three-year period prior to purchase of a home.

(13) "Local government" means a county or city government in the state of Washington or, except under RCW 36.22.178 (as recodified by this act), a city government or collaborative of city governments within that county if (a) the county government declines to participate in the affordable housing program and (b) as described under section 8 of this act, a city or collaborative of city governments elects to participate in the program.

(14) "Low-income household," for the purposes of the affordable housing for all program, means a single person, family, or unrelated persons living together whose adjusted income is less than eighty percent of the median household income, adjusted for household size for the county where the project is located.

(15) "Nonprofit organization" means any public or private nonprofit organization that: (a) Is organized under federal, state, or local laws; (b) has no part of its net earnings inuring to the benefit of any member, founder, contributor, or individual; and (c) has among its purposes, significant activities related to the provision of decent housing that is affordable to extremely low-income, very low-income, low-income, or moderate-income households and special needs populations.

(16) "Performance evaluation" means the process of evaluating the performance by established objective, measurable criteria according to the achievement of outlined goals, measures, targets, standards, or other outcomes using a ranked scorecard from highest to lowest performance which employs a scale of one to one hundred, one hundred being the optimal score.

(17) "Performance measurement" means the process of comparing specific measures of success with ultimate and interim goals.

(18) "Quality management program" means a nationally recognized program using criteria similar or equivalent to the Baldridge criteria. Beginning in 2010, each city, town, and county receiving over five hundred thousand dollars a year during the previous calendar year from (a) state housing-related funding sources, including the housing trust fund and the transitional housing operating and rent program created in section 12 of this act, (b) the affordable housing for all program surcharge in RCW 36.22.178 (as recodified by this act), (c) the home security fund surcharges in RCW 36.22.179 and 36.22.1791 (as recodified by this act), and (d) any other surcharge charged under chapter 36.22 or 43.185C RCW to fund homelessness or other housing programs shall apply to the Washington state quality award program for an independent assessment of its quality management, accountability, and performance system, once every three years beginning by January 1, 2011.

(19) "Regulatory barriers to affordable housing" and "regulatory barriers" mean any public policies, including those embodied in statutes, ordinances, regulations, or administrative procedures or processes, required to be identified by the state, cities, towns, or

counties in connection with strategies under section 105(b)(4) of the Cranston-Gonzalez national affordable housing act (42 U.S.C. Sec. 12701 et seq.).

(20) "State affordable housing for all plan" or "state plan" means the plan developed by the department in collaboration with the affordable housing advisory board with the goal of ensuring that every household in Washington has a decent, appropriate, and affordable home in a healthy, safe environment by 2020.

(21) "Very low-income household" means a single person, family, or unrelated persons living together whose adjusted income is less than fifty percent of the median family income, adjusted for household size for the county where the project is located.

Sec. 5. RCW 43.185B.040 and 1993 c 478 s 12 are each amended to read as follows:

(1) The department shall, in consultation with the affordable housing advisory board created in RCW 43.185B.020 (as recodified by this act), prepare and ((~~from time to time amend a five-year~~)) annually update a state affordable housing ((~~advisory~~)) for all plan with an ultimate goal of achieving a decent, appropriate, and affordable home in a healthy, safe environment for every household in the state by 2020. The state plan must also incorporate the strategies, objectives, goals, and performance measures of all other housing-related state plans, including the state homeless housing strategic plan required under RCW 43.185C.040 and all state housing programs. The state affordable housing for all plan may be combined with the state homeless housing strategic plan required under RCW 43.185C.040 or any other existing state housing plan as long as the requirements of all of the plans to be merged are met.

(2) The purpose of the state affordable housing for all plan is to:

(a) Document the need for affordable housing in the state, including the need amongst households at risk of homelessness, and the extent to which that need is being met through public and private sector programs((~~, to~~));

(b) Outline the development of sound strategies and programs to provide affordable housing to all households;

(c) Establish, evaluate, and report upon performance measures, goals, and timelines that are determined by the department for the affordable housing for all program and the state and local affordable housing for all plans, as well as for all federal, state, and local housing programs and plans operated or coordinated by the department, including: (i) Federal block grant programs; (ii) the Washington housing trust fund; and (iii) all local surcharge funds collected with the purpose of addressing homelessness and affordable housing; and

(d) Facilitate state and county government planning to meet the state affordable housing ((~~needs of the state, and to enable the development of sound strategies and programs for affordable housing~~)) for all goal.

((~~The information in the five-year housing advisory plan must include:~~

~~(a) An assessment of the state's housing market trends;~~

~~(b) An assessment of the housing needs for all economic segments of the state and special needs populations;~~

~~(c) An inventory of the supply and geographic distribution of affordable housing units made available through public and private sector programs;~~

~~(d) A status report on the degree of progress made by the public and private sector toward meeting the housing needs of the state;~~

~~(e) An identification of state and local regulatory barriers to affordable housing and proposed regulatory and administrative techniques designed to remove barriers to the development and placement of affordable housing; and~~

~~(f) Specific recommendations, policies, or proposals for meeting the affordable housing needs of the state.~~

~~(2)~~)) (3)(a) The department, in consultation with the affordable housing advisory board, shall develop recommendations for affordable housing for all program performance measures, short-term and long-term goals, and timelines, as well as information to be collected, analyzed, and reported upon in the state and local affordable housing for all plans. One performance measure must address the program's effectiveness in achieving the ultimate goal of a decent, appropriate, and affordable home in a healthy, safe environment for every household in the state by 2020. Another specific performance measure must be to ensure that the rate of growth in the overall price of housing for each economic segment is less than that of the overall growth in wages for each economic segment. The department shall present its recommendations for additional performance measures to the appropriate committees of the legislature by December 31, 2008.

(b) Performance measures and other required plan components must be reviewed annually by the department after soliciting feedback from the affordable housing advisory board, appropriate committees of the legislature, and all county affordable housing for all task forces.

(c) The department may determine a timeline to implement and measure each performance measure for the state and county affordable housing for all programs, except that the state and all counties participating in the affordable housing for all program must implement and respond to all performance measures by January 1, 2011, unless the department determines that a performance measure is not applicable to a specific county based on parameters and thresholds established by the department.

(4) The ((~~five-year~~)) state affordable housing ((~~advisory~~)) for all plan required under ((~~subsection (1) of~~)) this section must be submitted to the appropriate committees of the legislature on or before ((~~February 1, 1994~~)) January 15, 2010, and subsequent updated plans must be submitted ((~~every five years~~)) by January 15th each year thereafter.

(((~~(b) Each February 1st, beginning February 1, 1995, the department shall submit an annual progress report, to the legislature, detailing the extent to which the state's affordable housing needs were met during the preceding year and recommendations for meeting those needs~~))

(5) To guide counties in preparation of county affordable housing for all plans required under section 7 of this act, the department shall issue, by December 31, 2009, guidelines for preparing county plans consistent with this chapter. County plans must include, at a minimum, the same information reporting and analysis on a local level and the same performance measures as the state plan.

(6) Each year, beginning in 2010, the department shall:

(a) Summarize key information from county plans, including a summary of local city and county housing program activities and a summary of legislative recommendations;

(b) Conduct annual performance evaluations of county plans; and

(c) Conduct annual performance evaluations of all counties according to their performance in achieving affordable housing goals stated in their plans.

(7) The department shall include a summary of county affordable housing for all plans and the results of performance

evaluations in the state affordable housing for all plan beginning in 2010.

(8) Based on changes to the general population and in the housing market, the department may revise the performance measures and goals of the state affordable housing for all plan and set goals for years following December 31, 2020.

NEW SECTION. **Sec. 6.** Each county shall convene a county affordable housing task force. The task force must be a committee, made up of volunteers, created to prepare and recommend to the county legislative authority a county affordable housing for all plan and also to recommend appropriate expenditures of the affordable housing for all program funds provided for in RCW 36.22.178 (as recodified by this act) and any other sources directed to the county program. The county affordable housing task force must include a representative of the county, a representative from the city with the highest population in the county, a representative from all other cities in the county with a population greater than fifty thousand, a member representing beneficiaries of affordable housing programs, other members as may be required to maintain eligibility for federal funding related to housing programs and services, and a representative from both a private nonprofit organization and a private for-profit organization with experience in very low-income housing. The task force may be the same as the homeless housing task force created in RCW 43.185C.160 or the same as another existing task force or other formal committee that meets the requirements of this section.

NEW SECTION. **Sec. 7.** (1) Each county shall direct its affordable housing task force to prepare and recommend to its county legislative authority a county affordable housing for all plan for its jurisdictional area. Each county shall adopt a county plan by June 30, 2010, and update the plan annually by June 30th thereafter. All plans must be forwarded to the department by the date of the adoption. County affordable housing for all plans may be combined with the local homeless housing plans required under RCW 43.185C.040, county comprehensive plans required under RCW 36.70A.040, or any other existing plan addressing housing within a county as long as the requirements of all of the plans to be merged are met. For counties required or choosing to plan under RCW 36.70A.040, county affordable housing for all plans must be consistent with the housing elements of comprehensive plans described in RCW 36.70A.070(2). County plans must also be consistent with any existing local homeless housing plan required in RCW 43.185C.050.

(2) County affordable housing for all plans must be primarily focused on (a) ensuring that every household, including those households at risk of homelessness, in the county jurisdictional area has a decent, appropriate, and affordable home in a healthy, safe environment by 2020 with a priority placed on achieving this goal for low-income households and (b) increasing the percentage of households, who receive assistance from the transitional housing operating and rent program created in section 12 of this act, who ultimately are able to access affordable housing without government assistance. County affordable housing for all plans must include:

(i) At a minimum, the same information, analysis, and performance measures as the state affordable housing for all plan, including information and performance measurement data, where available, on state supported housing programs and all city and county housing programs, including local housing-related levy initiatives, housing-related tax exemption programs, and federally funded programs operated or coordinated by local governments;

(ii) Information on the uses of the affordable housing for all surcharge as required in RCW 36.22.178(4) (as recodified by this act);

(iii) Information on the activities and accomplishments of the transitional housing operating and rent program, as required in section 12 of this act;

(iv) Timelines for the accomplishment of interim goals and targets, and for the acquisition of projected financing that is appropriate for outlined goals and targets;

(v) An identification of challenges to reaching the affordable housing for all goal;

(vi) A total estimated amount of funds needed to reach the local affordable housing for all goal and an identification of potential funding sources; and

(vii) State legislative recommendations to enable the county to achieve its affordable housing for all goals. Legislative recommendations must be specific and, if necessary, include an estimated amount of funding required and suggestions of an appropriate funding source.

NEW SECTION. **Sec. 8.** (1) Any county may decline to participate in the affordable housing for all program authorized in this chapter by forwarding to the department a resolution adopted by the county legislative authority stating the intention not to participate. A copy of the resolution must also be transmitted to the county auditor and treasurer. Counties that decline to participate shall not be required to establish an affordable housing task force or to create a county affordable housing for all plan. Counties declining to participate in the affordable housing for all program shall continue to be eligible to receive funding through the transitional housing operating and rent program created in section 12 of this act. Counties declining to participate in the affordable housing for all program shall also continue to collect and utilize the affordable housing for all surcharge for the purposes described in RCW 36.22.178 (as recodified by this act); however, such counties shall not be allocated any additional affordable housing for all program funding that is specifically provided for program planning and administrative purposes. Counties may opt back into the affordable housing for all program authorized by this chapter at a later date through a process and timeline to be determined by the department.

(2) If a county declines to participate in the affordable housing for all program authorized in this chapter, a city or formally organized collaborative of cities within that county may forward a resolution to the department stating its intention and willingness to operate an affordable housing for all program within its jurisdictional limits. The department must establish procedures to choose amongst cities or collaboratives of cities in the event that more than one city or collaborative of cities express an interest in participating in the program. Participating cities or collaboratives of cities must fulfill the same requirements as counties participating in the affordable housing for all program.

NEW SECTION. **Sec. 9.** A county may subcontract with any other county, city, town, housing authority, community action agency, or other nonprofit organization for the execution of programs contributing to the affordable housing for all goal. All subcontracts must be: Consistent with the county affordable housing for all plan adopted by the legislative authority of the county; time limited; and filed with the department, and must have specific performance terms as specified by the county. County governments must strongly encourage each subcontractor under the affordable housing for all program to apply to the Washington state quality award program for

an independent assessment of its quality management, accountability, and performance system. This authority to subcontract with other entities does not affect participating counties' ultimate responsibility for meeting the requirements of the affordable housing for all program.

NEW SECTION. **Sec. 10.** The department shall contract with two statewide organizations addressing affordable housing issues or homeless issues, or both, to create comprehensive independent statewide affordable housing for all plans consistent with the goals and performance measures of the state and local affordable housing for all plans as described in this chapter. Recipient organizations must present their affordable housing for all plans to the department and the appropriate committees of the legislature within one year following the receipt of contract funds.

Sec. 11. RCW 36.22.178 and 2007 c 427 s 1 are each amended to read as follows:

The surcharge provided for in this section shall be named the affordable housing for all surcharge.

(1) Except as provided in subsection (3) of this section, a surcharge of ten dollars per instrument shall be charged by the county auditor for each document recorded, which will be in addition to any other charge authorized by law. The county may retain up to five percent of these funds collected solely for the collection, administration, and local distribution of these funds. Of the remaining funds, forty percent of the revenue generated through this surcharge will be transmitted monthly to the state treasurer who will deposit the funds into the affordable housing for all account created in RCW 43.185C.190. The department of community, trade, and economic development must use these funds to provide housing and shelter for extremely low-income households, including but not limited to grants for building operation and maintenance costs of housing projects or units within housing projects that are affordable to extremely low-income households with incomes at or below thirty percent of the area median income, and that require a supplement to rent income to cover ongoing operating expenses.

(2) All of the remaining funds generated by this surcharge will be retained by the county and be deposited into a fund that must be used by the county and its cities and towns for eligible housing activities as described in this subsection that serve very low-income households with incomes at or below fifty percent of the area median income. The portion of the surcharge retained by a county shall be allocated to eligible housing activities that serve extremely low and very low- income households in the county and the cities within a county according to an interlocal agreement between the county and the cities within the county consistent with countywide and local housing needs and policies. A priority must be given to eligible housing activities that serve extremely low-income households with incomes at or below thirty percent of the area median income. Eligible housing activities to be funded by these county funds are limited to:

(a) Acquisition, construction, or rehabilitation of housing projects or units within housing projects that are affordable to very low-income households with incomes at or below fifty percent of the area median income, including units for homeownership, rental units, seasonal and permanent farm worker housing units, and single room occupancy units;

(b) Supporting building operation and maintenance costs of housing projects or units within housing projects eligible to receive housing trust funds, that are affordable to very low-income households with incomes at or below fifty percent of the area median income, and that require a supplement to rent income to cover ongoing operating expenses;

(c) Rental assistance vouchers for housing units that are affordable to very low-income households with incomes at or below fifty percent of the area median income, to be administered by a local public housing authority or other local organization that has an existing rental assistance voucher program, consistent with or similar to the United States department of housing and urban development's section 8 rental assistance voucher program standards; and

(d) Operating costs for emergency shelters and licensed overnight youth shelters.

(3) The surcharge imposed in this section does not apply to assignments or substitutions of previously recorded deeds of trust.

(4) All counties shall report at least annually by May 1st upon receipts and expenditures of the affordable housing for all surcharge funds created in this section to the department. The department may require more frequent reports. The report must include the amount of funding generated by the surcharge, the total amount of funding distributed to date, the amount of funding allocated to each eligible housing activity, a description of each eligible housing activity funded, including information on the income or wage level and numbers of extremely low, very low, and low-income households the eligible housing activity is intended to serve, and the outcome or anticipated outcome of each eligible housing activity.

NEW SECTION. **Sec. 12.** (1) The transitional housing operating and rent program is created in the department to assist individuals and families who are homeless or who are at risk of becoming homeless to secure and retain safe, decent, and affordable housing. The department shall provide grants to eligible organizations, as described in RCW 43.185.060, to provide assistance to program participants. The eligible organizations must use grant moneys for:

(a) Rental assistance, which includes security or utility deposits, first and last month's rent assistance, and eligible moving expenses to be determined by the department;

(b) Case management services designed to assist program participants to secure and retain immediate housing and to transition into permanent housing and greater levels of self-sufficiency;

(c) Operating expenses of transitional housing facilities that serve homeless families with children; and

(d) Administrative costs of the eligible organization, which must not exceed limits prescribed by the department.

(2) Eligible to receive assistance through the transitional housing operating and rent program are:

(a) Families with children who are homeless or who are at risk of becoming homeless and who have household incomes at or below fifty percent of the median household income for their county;

(b) Individuals or families without children who are homeless or at risk of becoming homeless and who have household incomes at or below thirty percent of the median household income for their county;

(c) Individuals or families who are homeless or who are at risk of becoming homeless and who have a household with an adult member who has a mental health or chemical dependency disorder; and

(d) Individuals or families who are homeless or who are at risk of becoming homeless and who have a household with an adult member who is an offender released from confinement within the past eighteen months.

(3) All program participants must be willing to create and actively participate in a housing stability plan for achieving permanent housing and greater levels of self-sufficiency.

(4) Data on all program participants must be entered into and tracked through the Washington homeless client management information system as described in RCW 43.185C.180.

(5) Beginning in 2011, each eligible organization receiving over five hundred thousand dollars during the previous calendar year from the transitional housing operating and rent program and from sources including: (a) State housing-related funding sources; (b) the affordable housing for all surcharge in RCW 36.22.178 (as recodified by this act); (c) the home security fund surcharges in RCW 36.22.179 and 36.22.1791 (as recodified by this act); and (d) any other surcharge imposed under chapter 36.22 or 43.185C RCW to fund homelessness programs or other housing programs, shall apply to the Washington state quality award program for an independent assessment of its quality management, accountability, and performance system, once every three years.

(6) The department may develop rules, requirements, procedures, and guidelines as necessary to implement and operate the transitional housing operating and rent program.

(7) The department shall produce an annual transitional housing operating and rent program report that must be included in the department's affordable housing for all plan as described in RCW 43.185B.040 (as recodified by this act). The report must include performance measures to be determined by the department that address, at a minimum, the following issue areas:

(a) The success of the program in helping program participants transition into permanent affordable housing and increase their levels of self-sufficiency;

(b) The financial performance of the program related to efficient program administration by the department and program operation by selected eligible organizations, including an analysis of the costs per program participant served;

(c) The quality, completeness, and timeliness of the information on program participants provided to the Washington homeless client management information system database; and

(d) The satisfaction of program participants in the assistance provided through the program.

NEW SECTION. **Sec. 13.** The transitional housing operating and rent account is created in the custody of the state treasurer. All receipts from sources directed to the transitional housing operating and rent program must be deposited into the account. Expenditures from the account may be used solely for the purpose of the transitional housing operating and rent program as described in section 12 of this act. Only the director of the department or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. **Sec. 14.** This chapter does not require either the department or any local government to expend any funds to accomplish the goals of this chapter other than the revenues authorized in this act and other revenue that may be appropriated by the legislature for these purposes. However, neither the department nor any local government may use any funds authorized in this act to supplant or reduce any existing expenditures of public money to address the affordable housing shortage.

Sec. 15. RCW 43.185A.100 and 2006 c 349 s 11 are each amended to read as follows:

The department((,)) shall collaborate with the housing finance commission, the affordable housing advisory board, and all local governments, housing authorities, and other ((~~nonprofits~~)) eligible organizations receiving state housing funds, affordable housing for all funds, home security funds, or financing through the housing finance commission ((~~shall, by December 31, 2006, and annually thereafter, review current housing reporting requirements related to housing programs and services and give~~)) to include in the state affordable housing for all plan, by December 31, 2009, recommendations, where possible:

(1) To streamline and simplify all housing planning, application, and reporting requirements ((~~to the department of community, trade, and economic development, which will compile and present the recommendations annually to the legislature. The entities listed in this section shall also give recommendations for additional~~)); and

(2) For legislative actions that could promote the affordable housing for all goal and the state goal to end homelessness.

Sec. 16. RCW 43.185.070 and 2005 c 518 s 1802 and 2005 c 219 s 2 are each reenacted and amended to read as follows:

(1) During each calendar year in which funds from the housing trust fund or other legislative appropriations are available for use by the department for the housing assistance program, the department shall announce to all known interested parties, and through major media throughout the state, a grant and loan application period of at least ninety days' duration. This announcement shall be made as often as the director deems appropriate for proper utilization of resources. The department shall then promptly grant as many applications as will utilize available funds less appropriate administrative costs of the department. Administrative costs paid out of the housing trust fund may not exceed five percent of annual revenues available for distribution to housing trust fund projects. In awarding funds under this chapter, the department shall provide for a geographic distribution on a statewide basis.

(2) The department shall give first priority to applications for projects and activities which utilize existing privately owned housing stock including privately owned housing stock purchased by nonprofit public development authorities and public housing authorities as created in chapter 35.82 RCW. As used in this subsection, privately owned housing stock includes housing that is acquired by a federal agency through a default on the mortgage by the private owner. Such projects and activities shall be evaluated under subsection (3) of this section. Second priority shall be given to activities and projects which utilize existing publicly owned housing stock. All projects and activities shall be evaluated by some or all of the criteria under subsection (3) of this section, and similar projects and activities shall be evaluated under the same criteria.

(3) The department shall give preference for applications based on some or all of the criteria under this subsection, and similar projects and activities shall be evaluated under the same criteria:

(a) The degree of leveraging of other funds that will occur;

(b) The degree of commitment from programs to provide necessary habilitation and support services for projects focusing on special needs populations;

(c) Recipient contributions to total project costs, including allied contributions from other sources such as professional, craft and trade services, and lender interest rate subsidies;

(d) Local government project contributions in the form of infrastructure improvements, and others;

(e) Projects that encourage ownership, management, and other project-related responsibility opportunities;

(f) Projects that demonstrate a strong probability of serving the original target group or income level for a period of at least twenty-five years;

(g) The applicant has the demonstrated ability, stability and resources to implement the project;

(h) The applicant has committed to quality improvement and submitted an application to the Washington state quality award program for an independent assessment of its quality management, accountability, and performance system within the previous three years;

(i) Projects which demonstrate serving the greatest need;

(((~~(i)~~))) (j) Projects that provide housing for persons and families with the lowest incomes;

(((~~(j)~~))) (k) Projects that provide housing for persons at risk of homelessness;

(l) Projects serving special needs populations which are under statutory mandate to develop community housing;

(((~~(k)~~))) (m) Project location and access to employment centers in the region or area;

(((~~(l)~~))) (n) Projects that provide employment and training opportunities for disadvantaged youth under a youthbuild or youthbuild-type program as defined in RCW 50.72.020; and

(((~~(m)~~))) (o) Project location and access to available public transportation services.

(4) The department shall only approve applications for projects for ((~~mentally ill~~)) persons with mental illness that are consistent with a regional support network six-year capital and operating plan.

NEW SECTION. **Sec. 17.** RCW 59.18.600 (Rental to offenders--Limitation on liability) and 2007 c 483 s 602 are each repealed.

NEW SECTION. **Sec. 18.** RCW 36.22.179, 36.22.1791, and 43.20A.790 are each recodified as sections in chapter 43.185C RCW.

NEW SECTION. **Sec. 19.** RCW 36.22.178, 43.185A.100, 43.185B.020, and 43.185B.040 are each recodified as sections in chapter 43.--- RCW (created in section 20 of this act).

NEW SECTION. **Sec. 20.** Sections 1 through 4, 6 through 10, and 12 through 14 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. **Sec. 21.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Miloscia, Chair; Springer, Vice Chair; Liias and Ormsby.

MINORITY recommendation: Do not pass. Signed by Representatives McCune and Schindler.

Passed to Committee on Rules for second reading.

February 25, 2008

SSB 6195 Prime Sponsor, Senate Committee on Economic Development, Trade & Management: Modifying the definition of rural county for economic development purposes. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: Do pass. Signed by Representatives Kenney, Chair; Pettigrew, Vice Chair; Bailey, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Darneille, Haler, Rolfes and Sullivan.

Referred to Committee on Appropriations General Government & Audit Review.

February 27, 2008

2SSB 6227 Prime Sponsor, Senate Committee on Ways & Means: Providing support and resources to outer coast marine resources committees. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Van De Wege, Vice Chair; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Eickmeyer, Grant, Kristiansen, Lantz, Loomis, McCoy, Nelson, Newhouse and Orcutt.

Referred to Committee on Appropriations Subcommittee on General Government & Audit Review.

February 26, 2008

SB 6237 Prime Sponsor, Senator Kilmer: Modifying armed forces provisions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Flannigan, Vice Chair; Ericksen, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Appleton; Dickerson; Eddy; Herrera; Hudgins; Jarrett; Kristiansen; Loomis; Rodne; Rolfes; Sells; Smith; Springer; Takko; Upthegrove; Wallace; Warnick; Williams and Wood.

Passed to Committee on Rules for second reading.

February 27, 2008

SSB 6273 Prime Sponsor, Senate Committee on Transportation: Addressing the nondivisible gross weight limit of farm implements on public highways. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Flannigan, Vice Chair; Ericksen, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Appleton; Campbell; Eddy;

Herrera; Hudgins; Jarrett; Kristiansen; Loomis; Rodne; Rolfes; Sells; Simpson; Smith; Springer; Takko; Upthegrove; Wallace; Warnick; Williams and Wood.

Passed to Committee on Rules for second reading.

February 27, 2008

SB 6289 Prime Sponsor, Senator Spanel: Regarding Puget Sound Dungeness crab catch record cards. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 77.32.070 and 2005 c 418 s 1 are each amended to read as follows:

(1) Applicants for a license, permit, tag, or stamp shall furnish the information required by the director. However, the director may not require the purchaser of a razor clam license under RCW 77.32.520 to provide any personal information except for proof of residency. The commission may adopt rules requiring licensees or permittees to keep records and make reports concerning the taking of or effort to harvest fish, shellfish, and wildlife. The reporting requirement may be waived where, for any reason, the department is not able to receive the report. The department must provide reasonable options for a licensee to submit information to a live operator prior to the reporting deadline.

(2) The commission may, by rule, set an administrative penalty for failure to comply with rules requiring the reporting of taking or effort to harvest wildlife. The commission may also adopt rules requiring hunters who have not reported for the previous license year to complete a report and pay the assessed administrative penalty before a new hunting license is issued.

(a) The total administrative penalty per hunter set by the commission must not exceed ten dollars.

(b) By December 31st of each year, the department shall report the rate of hunter compliance with the harvest reporting requirement, the administrative penalty imposed for failing to report, and the amount of administrative penalties collected during that year to the appropriate fiscal and policy committees of the senate and house of representatives.

(3) The commission may, by rule, set an administrative penalty for failure to comply with rules requiring the reporting of data from catch record cards officially endorsed for Puget Sound Dungeness crab. The commission may also adopt rules requiring fishers who possessed a catch record card officially endorsed for Puget Sound Dungeness crab and who have not reported for the previous license year to complete a report and pay the assessed administrative penalty before a new catch record card officially endorsed for Puget Sound Dungeness crab is issued.

(a) The total administrative penalty per fisher set by the commission must not exceed ten dollars.

(b) By December 31st of each year, the department shall report the rate of fisher compliance with the Puget Sound Dungeness crab catch record card reporting requirement, the administrative penalty imposed for failing to report, and the amount of administrative penalties collected during that year to the appropriate fiscal and policy committees of the senate and house of representatives.

Sec. 2. RCW 77.15.280 and 2005 c 418 s 2 are each amended to read as follows:

(1) A person is guilty of violating rules requiring reporting of fish or wildlife harvest if the person:

(a) Fails to make a harvest log report of a commercial fish or shellfish catch in violation of any rule of the commission or the director;

(b) Fails to maintain a trapper's report or taxidermist ledger in violation of any rule of the commission or the director;

(c) Fails to submit any portion of a big game animal for a required inspection required by rule of the commission or the director; or

(d) Fails to return a catch record card to the department as required by rule of the commission or director, except for catch record cards officially endorsed for Puget Sound Dungeness crab.

(2) Violating rules requiring reporting of fish or wildlife harvest is a misdemeanor."

Correct the title.

Signed by Representatives Blake, Chair; Van De Wege, Vice Chair; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Grant; Lantz; McCoy; Nelson and Newhouse.

MINORITY recommendation: Do not pass. Signed by Representatives Eickmeyer; Loomis and Orcutt.

Passed to Committee on Rules for second reading.

February 26, 2008

SB 6321 Prime Sponsor, Senator Marr: Transferring jurisdictional route transfer responsibilities from the transportation improvement board to the transportation commission. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Flannigan, Vice Chair; Ericksen, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Appleton; Dickerson; Eddy; Herrera; Hudgins; Jarrett; Kristiansen; Loomis; Rodne; Rolfes; Sells; Smith; Springer; Takko; Upthegrove; Wallace; Warnick; Williams and Wood.

Passed to Committee on Rules for second reading.

February 26, 2008

SSB 6324 Prime Sponsor, Senate Committee on Transportation: Providing liability immunity for aerial search and rescue activities managed by the department of transportation. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern; Flannigan; Kirby; Moeller; Pedersen; Ross and Williams.

Passed to Committee on Rules for second reading.

February 27, 2008

ESSB 6333 Prime Sponsor, Senate Committee on Health & Long-Term Care: Establishing a citizens' work group on health care. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

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

(1) In the past two decades, Washington state has implemented legislative initiatives to improve access to quality, affordable health care in the state. These initiatives, which placed Washington in the forefront of states addressing their residents' health care needs, include:

(a) The basic health plan providing affordable coverage to over one hundred thousand individuals and families below two hundred percent of the federal poverty level;

(b) The "cover all children" initiative, expanding publicly funded coverage to children in families under three hundred percent of the federal poverty level and promising to cover all children by 2010;

(c) The blue ribbon commission on health care costs and access resulting in the passage of Engrossed Second Substitute Senate Bill No. 5930, that, among other actions, directed state agencies to integrate prevention, chronic care management, and the medical home concept into state purchased health care programs;

(d) The movement toward evidence-based health care purchasing for state health care programs, including the prescription drug program and its preferred drug list, the health technology assessment program, the use of medical evidence to evaluate medical necessity under state medical assistance programs and the direction provided in Engrossed Second Substitute Senate Bill No. 5930 relating to aligning payment with evidence-based care; and

(e) The development of patient safety initiatives, including health care facility reporting of adverse medical events and hospital-acquired infection reporting.

(2) Despite these initiatives, the cost of health care has continued to increase at a disproportionately high rate.

(3) Affordability is key to accessing health care, as evidenced by the fact that more than half of the uninsured people in Washington state are in low-income families, and low-wage workers are far more likely to be uninsured than those with higher incomes. These increasing costs are placing quality care beyond the reach of a growing number of Washington citizens and contributing to health care expenditures that strain the resources of individuals, businesses, and public programs.

(4) Efforts by public and private purchasers to control expenditures, and the stress these efforts place on the stability of the health care workforce and viability of health care facilities, threaten to reduce access to quality care for all residents of the state.

(5) Prompt action is crucial to prevent further deterioration of the health and well-being of Washingtonians.

(6) Addressing an issue of this importance and magnitude demands the full engagement of concerned Washingtonians in a reasoned examination of options to improve access to quality, affordable health care.

NEW SECTION. **Sec. 2.** The Washington citizens' work group on health care reform is established. The work group shall engage Washingtonians in a public process on improving access to quality, affordable health care, and review and develop recommendations to the governor and the legislature related to the health care reform proposals in section 3 of this act.

(1) The governor shall appoint nine citizen members who may include, but are not limited to, representatives from business, labor, health care providers and consumer groups, and persons with expertise in health care financing. The citizen members shall be selected from individuals recognized for their independent judgment. In addition, the majority and minority caucus in the house of representatives and the majority and minority caucus in the senate shall submit the names of two members of their caucus to the governor, who shall select one member from each caucus to participate in the work group.

(2) Consistent with funds appropriated specifically for this purpose, the work group may employ up to two full-time staff to enable the work group to complete its responsibilities in a timely and effective manner.

(3) The work group shall design the public engagement process with a goal of having structured, in-depth discussions related to:

(a) Trends or issues that affect affordability, access, quality, and efficiency in our health care system; and

(b) The health care proposals described in section 3 of this act, the principles guiding evaluation of the proposals, and the economic analysis of the proposals.

The public engagement process shall begin when the work group receives the results of the evaluation of health care proposals under section 3 of this act. The process may include, but is not limited to, public forums, invitational meetings with community leaders or other interested individuals and organizations, and web-based communication.

(4) By November 1, 2009, the work group shall submit a final report to the public, the governor, and the legislature that includes a summary of the information received during the public engagement process, and a summary of the work group's conclusions, and recommendations related to its review of the proposals, including suggestions for the adoption of any health care proposal by the legislature. The work group may develop its own proposal or proposals.

(5) In reviewing the proposals, the work group shall evaluate the extent to which each proposal:

(a) Provides a medical home for every family;

(b) Provides health care that Washington families can afford;

(c) Promotes improved health outcomes, in part through a more efficient delivery system;

(d) Requires that individuals, employers, and government share in financing the proposal; and

(e) Enables Washington families to choose their provider and health network, and have the option of retaining their current provider.

(6) The work group may seek other funds including private contributions and in-kind donations for activities described under subsection (3) of this section.

This section expires December 31, 2009.

NEW SECTION. **Sec. 3.** (1) Consistent with funds appropriated specifically for this purpose, the legislature shall contract with an independent consultant with expertise in health economics and actuarial science to evaluate the following health care reform proposals:

(a) A proposal, similar to Proposed Second Substitute Senate Bill No. 5789 (2008), proposing modifications to insurance regulations to address specific groups that have lower rates of coverage, such as small employers and young adults;

(b) A proposal that includes the components of health care reform legislation enacted in Massachusetts in 2006 as Chapter 58 of the Acts of 2006 - "An Act Providing Access to Affordable, Quality, Accountable Health Care";

(c) A proposal, as described in Senate Bill No. 6221 (2008), to cover all Washingtonians with a comprehensive, standardized benefit package purchased through a competitive procurement process or a fee-for-service option, funded through a payroll assessment applied to employers and employees; and

(d) A proposal to establish a single payer health care system, similar to an approach described in Senate Bill No. 5756 (2007) and to the health care system in Canada.

(2) In addition to the evaluation of the three proposals described in subsection (1) of this section, the consultant shall conduct a review to validate the actuarial analysis of the insurance commissioner's guaranteed benefit plan, as described in Senate Bill No. 6603 (2008). The consultant group may seek additional information from sponsors of the proposals described in this section.

(3) Each evaluation shall address the impact of implementation of the proposal on:

(a) The number of Washingtonians covered and number remaining uninsured;

(b) The scope of coverage available to persons covered under the proposal;

(c) The impact on affordability of health care to individuals, businesses, and government;

(d) The redistribution of amounts currently spent by individuals, businesses, and government on health, as well as any savings;

(e) The impact on employment;

(f) The impact on consumer choice;

(g) Administrative efficiencies and resulting savings;

(h) The impact on hospital charity care;

(i) The cost of health care as experienced throughout the state by individuals and families, employees of small and large businesses, businesses of all sizes, associations, local governments, public health districts, and networks, and by the state; and

(j) The extent to which each proposal promotes:

(i) Improved health outcomes;

(ii) Prevention and early intervention;

(iii) Chronic care management;

(iv) Services based on empirical evidence;

(v) Incentives to use effective and necessary services;

(vi) Disincentives to discourage use of marginally effective or inappropriate services; and

(vii) A medical home.

(4) To the extent that any proposal has recent, detailed analysis available, the consultant shall review and may make use of the available analysis.

(5) The results of the evaluation under this section shall be submitted to the governor, the health policy committees of the legislature, and the work group on or before December 15, 2008.

NEW SECTION. **Sec. 4.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Cody, Chair; Morrell, Vice Chair; Barlow; Campbell; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

MINORITY recommendation: Do not pass. Signed by Representatives Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Condotta and DeBolt.

Referred to Committee on Appropriations.

February 26, 2008

SB 6369 Prime Sponsor, Senator Eide: Regarding the Washington community learning center program. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chair; Barlow, Vice Chair; Priest, Ranking Minority Member; Haigh; Liias; Santos and Sullivan.

MINORITY recommendation: Without recommendation. Signed by Representative Anderson, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

February 27, 2008

E2SSB 6438 Prime Sponsor, Senate Committee on Ways & Means: Creating a statewide high-speed internet deployment and adoption initiative. (REVISED FOR PASSED LEGISLATURE: Regarding high-speed internet services and community technology opportunities.) Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds and declares the following:

(a) The deployment and adoption of high-speed internet services and information technology has resulted in enhanced economic development and public safety for the state's communities, improved

health care and educational opportunities, and a better quality of life for the state's residents;

(b) Continued progress in the deployment and adoption of high-speed internet services and other advanced telecommunications services, both land-based and wireless, is vital to ensuring Washington remains competitive and continues to create business and job growth; and

(c) That the state must encourage and support strategic partnerships of public, private, nonprofit, and community-based sectors in the continued growth and development of high-speed internet services and information technology for state residents and businesses, and do so through formalized and structured arrangements that ensure the protection of proprietary information maintained by telecommunications providers and internet service providers.

(2) Therefore, the legislature resolves that it will create a comprehensive, statewide high-speed internet deployment and adoption strategy to improve technology literacy, improve access to affordable and reliable high-speed internet services, and to establish and sustain an environment ripe for telecommunications and technology investment statewide.

NEW SECTION. **Sec. 2.** (1) After the broadband study authorized by the legislature in 2007 has been completed, the department of information services, in coordination with the department of community, trade, and economic development and the utilities and transportation commission, shall convene a work group to develop a high-speed internet deployment and adoption strategy for the state.

(2) The department of information services shall invite representatives from the following organizations to participate in the work group:

(a) Representatives of public, private, and nonprofit agencies and organizations representing economic development, local community development, local government, community planning, technology planning, education, and health care;

(b) Representatives of telecommunications providers, technology companies, telecommunications unions, public utilities, and relevant private sector entities;

(c) Representatives of community-based organizations; and

(d) Representatives of other relevant entities as the department of information services may deem appropriate.

(3) In developing the high-speed internet deployment and adoption strategy, the department of information services shall consider the following:

(a) How to create a detailed, geographic information system map at the census block level of the high-speed internet services and other relevant telecommunications and information technology services owned or leased by public entities in the state. Development of this geographic information system map may include collaboration with students and faculty at community colleges and universities in the state. The statewide inventory must, at a minimum, detail:

(i) The physical location of all high-speed internet infrastructure owned or leased by public entities;

(ii) The amount of excess capacity available; and

(iii) Whether the high-speed internet infrastructure is active or inactive;

(b) How to work with telecommunications providers and internet service providers to assess and create a geographic information system map at the census block level of the privately owned high-speed internet infrastructure in the state, with instructions on how proprietary and competitively sensitive data will be handled, stored, and used;

(c) How to combine the geographic information system map of high-speed internet infrastructure owned by public entities with the geographic information system map of high-speed internet infrastructure owned by private entities to create a statewide inventory of all high-speed internet infrastructure in the state;

(d) How to use the geographic information system map of all high-speed internet infrastructure in the state, both public and privately owned, to identify the geographic gaps in high-speed internet service, including an assessment of the population located in each of the geographic gaps;

(e) How the state might create or utilize a nonprofit organization to spur the development of high-speed internet resources in the state, which may include, but is not limited to, soliciting funding in the form of grants or donations; establishing technology literacy programs in conjunction with institutions of higher education; establishing low-cost hardware and software purchasing programs; and developing loan programs targeting small businesses or businesses located in underserved areas;

(f) How to track statewide residential and business adoption of high-speed internet, computers, and related information technology, including an identification of barriers to adoption;

(g) How to effectively build and facilitate local technology planning teams and partnerships led by local economic development organizations with members representing cross-sections of the community, which may include participation from the following organizations: Representatives of business, telecommunications unions, K-12 education, community colleges, health care, libraries, universities, community-based organizations, local governments, tourism, parks and recreation, and agriculture;

(h) How to use the local technology planning teams and partnerships led by local economic development organizations to:

(i) Conduct a needs assessment;

(ii) Determine the appropriate type of technology needed to implement high-speed internet services in the area;

(iii) Determine the hardware and software needed; and

(iv) Write a request for proposals to meet the community's needs;

(i) How to work collaboratively with high-speed internet providers and technology companies across the state to encourage deployment and use, especially in unserved areas, through use of local demand aggregation, mapping analysis, and creation of market intelligence to improve the investment rationale and business case; and

(j) How to establish low-cost programs to improve computer ownership, technology literacy, and high-speed internet access for disenfranchised or unserved populations across the state.

(4) By September 1, 2008, the department of information services shall provide a status update to the telecommunications committees in the house of representatives and the senate, outlining the progress made to date by the work group and the issues remaining to be considered.

(5) By December 1, 2008, the department of information services shall provide a report to the fiscal and telecommunications committees in the house of representatives and the senate. The main objective of the report is to outline, based on the efforts of the work group, what legislation is needed in order to implement the high-speed internet deployment and adoption strategy, including a range of potential funding requests to accompany the legislation. Specifically, the report shall include the following:

(a) Benchmarks, performance measures, milestones, deliverables, timelines, and such other indicators of performance and progress as are necessary to guide development and implementation of the high-speed internet deployment and adoption strategy, both short term and long term, including an assessment of the amount of funding needed to accomplish a baseline assessment of the high-speed internet infrastructure owned by public and private entities of the state in an eighteen-month period;

(b) Ways to structure and appropriately scale and phase development and implementation of the high-speed internet deployment and adoption strategy so as to link to, leverage, and otherwise synchronize with other relevant and related funding, technology, capital initiatives, investments, and opportunities; and

(c) A range of implementation options that would address the handling, storage, and use of proprietary and competitively sensitive data submitted by telecommunications or internet service providers, with consideration given to the potential of creating or utilizing an independent, nonprofit organization that would be charged with implementing the high-speed internet deployment and adoption strategy.

NEW SECTION. **Sec. 3.** A new section is added to chapter 43.105 RCW to read as follows:

(1) By January 1, 2009, the department, in consultation with the utilities and transportation commission and other relevant agencies, shall identify and make publicly available a web directory of public facilities that provide community technology programs throughout the state.

(2) For the purposes of this section, "community technology program," also known as a digital inclusion program, means a program engaged in diffusing information and communications technology in local communities, particularly in unserved areas. These programs may include, but are not limited to, programs that provide education and skill-building opportunities, hardware and software ownership, internet connectivity, and development of locally relevant content and delivery of vital services through technology.

NEW SECTION. **Sec. 4.** Nothing in this act may be construed as giving the department of information services or any other entities any additional authority, regulatory or otherwise, over providers of telecommunications and information technology.

NEW SECTION. **Sec. 5.** If sections 1 through 4 of this act become null and void, the department of information services shall include high-speed internet adoption and deployment in its 2009-2011 strategic plan.

NEW SECTION. **Sec. 6.** If specific funding for the purposes of sections 1 through 4 of this act, referencing sections 1 through 4 of this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, sections 1 through 4 of this act are null and void."

Correct the title.

Signed by Representatives Linville, Chair; Ericks, Vice Chair; Skinner, Assistant Ranking Minority Member; Blake; Kretz; Lantz; Liias; Miloscia; Morris and Nelson.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander and Chandler.

Referred to Committee on Appropriations Subcommittee on General Government & Audit Review.

February 26, 2008

SSB 6453 Prime Sponsor, Senate Committee on Early Learning & K-12 Education: Clarifying the timeline for release of education records to the department of social and health services. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chair; Barlow, Vice Chair; Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Haigh; Liias; Santos and Sullivan.

Passed to Committee on Rules for second reading.

February 27, 2008

ESSB 6488 Prime Sponsor, Senate Committee on Human Services & Corrections: Providing for broader collection of biological samples for the DNA identification of convicted sex offenders and other persons. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.43.753 and 2002 c 289 s 1 are each amended to read as follows:

The legislature finds that recent developments in molecular biology and genetics have important applications for forensic science. It has been scientifically established that there is a unique pattern to the chemical structure of the deoxyribonucleic acid (DNA) contained in each cell of the human body. The process for identifying this pattern is called "DNA identification."

The legislature further finds that DNA databases are important tools in criminal investigations, in the exclusion of individuals who are the subject of investigations or prosecutions, and in detecting recidivist acts. It is the policy of this state to assist federal, state, and local criminal justice and law enforcement agencies in both the identification and detection of individuals in criminal investigations and the identification and location of missing and unidentified persons. Therefore, it is in the best interest of the state to establish a DNA database and DNA data bank containing DNA samples submitted by persons convicted of felony offenses and other crimes as specified in RCW 43.43.754. DNA samples necessary for the identification of missing persons and unidentified human remains shall also be included in the DNA database.

The legislature further finds that the DNA identification system used by the federal bureau of investigation and the Washington state patrol has no ability to predict genetic disease or predisposal to illness. Nonetheless, the legislature intends that biological samples collected under RCW 43.43.754, and DNA identification data obtained from the samples, be used only for purposes related to criminal investigation, identification of human remains or missing

persons, or improving the operation of the system authorized under RCW 43.43.752 through 43.43.758.

NEW SECTION. **Sec. 2.** A new section is added to chapter 10.01 RCW to read as follows:

(1) In a prosecution for a misdemeanor or gross misdemeanor in a court of limited jurisdiction, the prosecuting attorney may file a special allegation of sexual motivation when sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify a finding of sexual motivation by a reasonable and objective fact-finder.

(2) In a criminal case wherein there has been a special allegation, the state shall prove beyond a reasonable doubt that the accused committed the crime with a sexual motivation. The court shall make a finding of fact of whether or not a sexual motivation was present at the time of the commission of the crime, or if a jury trial is had, the jury shall, if it finds the defendant guilty, also find a special verdict as to whether or not the defendant committed the crime with a sexual motivation.

(3) The prosecuting attorney shall not withdraw the special allegation of sexual motivation without approval of the court through an order of dismissal of the special allegation. The court shall not dismiss this special allegation unless it finds that such an order is necessary to correct an error in the initial charging decision or unless there are evidentiary problems which make proving the special allegation doubtful.

(4) For purposes of this section, "sexual motivation" has the same meaning as in RCW 9.94A.030.

Sec. 3. RCW 43.43.754 and 2002 c 289 s 2 are each amended to read as follows:

(1) A biological sample must be collected for purposes of DNA identification analysis from:

(a) Every adult or juvenile individual convicted of a felony, ((~~stalking under RCW 9A.46.110, harassment under RCW 9A.46.020, communicating with a minor for immoral purposes under RCW 9.68A.090, or adjudicated guilty of an equivalent juvenile offense must have a biological sample collected for purposes of DNA identification analysis in the following manner~~)) or any of the following crimes (or equivalent juvenile offenses):

Any misdemeanor or gross misdemeanor with a finding of sexual motivation under RCW 9.94A.835, 13.40.135, or section 2 of this act

Communication with a minor for immoral purposes (RCW 9.68A.090)

Custodial sexual misconduct in the second degree (RCW 9A.44.170)

Failure to register (RCW 9A.44.130)

Harassment (RCW 9A.46.020)

Patronizing a prostitute (RCW 9A.88.110)

Permitting commercial sexual abuse of a minor (RCW 9.68A.103)

Permitting prostitution (RCW 9A.88.090)

Prostitution (RCW 9A.88.030)

Sexual misconduct with a minor in the second degree (RCW 9A.44.096)

Stalking (RCW 9A.46.110)

Violation of a sexual assault protection order granted under chapter 7.90 RCW; and

(b) Every adult or juvenile individual who is required to register under RCW 9A.44.130.

(2) If the Washington state patrol crime laboratory already has a DNA sample from an individual for a qualifying offense, a subsequent submission is not required to be submitted.

(3) Biological samples shall be collected in the following manner:

(a) For persons convicted of ((~~such offenses~~)) any offense listed in subsection (1)(a) of this section or adjudicated guilty of an equivalent juvenile offense who do not serve a term of confinement in a department of corrections facility, and do serve a term of confinement in a city or county jail facility, the city or county shall be responsible for obtaining the biological samples ((~~either as part of the intake process into the city or county jail or detention facility for those persons convicted on or after July 1, 2002, or within a reasonable time after July 1, 2002, for those persons incarcerated before July 1, 2002, who have not yet had a biological sample collected, beginning with those persons who will be released the soonest~~)).

(b) The local police department or sheriff's office shall be responsible for obtaining the biological samples for:

(i) Persons convicted of ((~~such offenses~~)) any offense listed in subsection (1)(a) of this section or adjudicated guilty of an equivalent juvenile offense who do not serve a term of confinement in a department of corrections facility, and do not serve a term of confinement in a city or county jail facility((~~, the local police department or sheriff's office is responsible for obtaining the biological samples after sentencing on or after July 1, 2002~~)); and

(ii) Persons who are required to register under RCW 9A.44.030.

(c) For persons convicted of ((~~such offenses~~)) any offense listed in subsection (1)(a) of this section or adjudicated guilty of an equivalent juvenile offense, who are serving or who are to serve a term of confinement in a department of corrections facility or a department of social and health services facility, the facility holding the person shall be responsible for obtaining the biological samples ((~~either as part of the intake process into such facility for those persons convicted on or after July 1, 2002, or within a reasonable time after July 1, 2002,~~)). For those persons incarcerated before ((~~July 1, 2002~~)) the effective date of this section, who have not yet had a biological sample collected, ((~~beginning with~~)) priority shall be given to those persons who will be released the soonest.

(((~~(2)~~))) (4) Any biological sample taken pursuant to RCW 43.43.752 through 43.43.758 may be retained by the forensic laboratory services bureau, and shall be used solely for the purpose of providing DNA or other tests for identification analysis and prosecution of a criminal offense or for the identification of human remains or missing persons. Nothing in this section prohibits the submission of results derived from the biological samples to the federal bureau of investigation combined DNA index system.

(((~~(3)~~))) (5) The ((~~director of the~~)) forensic laboratory services bureau of the Washington state patrol ((~~shall perform~~)) is responsible for testing performed on all biological samples that are collected under subsection (1) of this section, to the extent allowed by funding available for this purpose. The director shall give priority to testing on samples collected from those adults or juveniles convicted of a felony or adjudicated guilty of an equivalent juvenile offense that is defined as a sex offense or a violent offense in RCW 9.94A.030. Known duplicate samples may be excluded from testing unless testing is deemed necessary or advisable by the director.

(((~~(4) This section applies to all adults who are convicted of a sex or violent offense after July 1, 1990; and to all adults who were convicted of a sex or violent offense on or prior to July 1, 1990, and who are still incarcerated on or after July 25, 1999. This section applies to all juveniles who are adjudicated guilty of a sex or violent~~

~~offense after July 1, 1994; and to all juveniles who were adjudicated guilty of a sex or violent offense on or prior to July 1, 1994, and who are still incarcerated on or after July 25, 1999. This section applies to all adults and juveniles who are convicted of a felony other than a sex or violent offense, stalking under RCW 9A.46.110, harassment under RCW 9A.46.020, or communicating with a minor for immoral purposes under RCW 9.68A.090, or adjudicated guilty of an equivalent juvenile offense, on or after July 1, 2002; and to all adults and juveniles who were convicted or adjudicated guilty of such an offense before July 1, 2002, and are still incarcerated on or after July 1, 2002.~~

~~(5)~~)) (6) This section applies to:

(a) All adults and juveniles to whom this section applied prior to the effective date of this section;

(b) All adults and juveniles to whom this section did not apply prior to the effective date of this section who:

(i) Are convicted on or after the effective date of this section of an offense listed in subsection (1)(a) of this section; or

(ii) Were convicted prior to the effective date of this section of an offense listed in subsection (1)(a) of this section and are still incarcerated on or after the effective date of this section; and

(c) All adults and juveniles who are required to register under RCW 9A.44.130 on or after the effective date of this section, whether convicted before, on, or after the effective date of this section.

(7) This section creates no rights in a third person. No cause of action may be brought based upon the noncollection or nonanalysis or the delayed collection or analysis of a biological sample authorized to be taken under RCW 43.43.752 through 43.43.758.

(((~~(6)~~)) (8) The detention, arrest, or conviction of a person based upon a database match or database information is not invalidated if it is determined that the sample was obtained or placed in the database by mistake, or if the conviction or juvenile adjudication that resulted in the collection of the biological sample was subsequently vacated or otherwise altered in any future proceeding including but not limited to posttrial or postfact-finding motions, appeals, or collateral attacks.

Sec. 4. RCW 43.43.7541 and 2002 c 289 s 4 are each amended to read as follows:

Every sentence imposed under chapter 9.94A RCW((~~,~~)) for a ((~~felony~~)) crime specified in RCW 43.43.754 ((~~that is committed on or after July 1, 2002,~~)) must include a fee of one hundred dollars ((~~for collection of a biological sample as required under RCW 43.43.754, unless the court finds that imposing the fee would result in undue hardship on the offender~~)). The fee is a court-ordered legal financial obligation as defined in RCW 9.94A.030, payable by the offender after payment of all other legal financial obligations included in the sentence has been completed. The clerk of the court shall transmit eighty percent of the fee((~~s~~)) collected to the state treasurer for deposit in the state DNA database account created under RCW 43.43.7532, and shall transmit twenty percent of the fee collected to the agency responsible for collection of a biological sample from the offender as required under RCW 43.43.754.

Sec. 5. RCW 43.43.756 and 1989 c 350 s 5 are each amended to read as follows:

The Washington state patrol ((~~in consultation with the University of Washington school of medicine~~)) forensic laboratory services bureau may:

(1) Provide DNA analysis services to law enforcement agencies throughout the state ((~~after July 1, 1990~~));

(2) Provide assistance to law enforcement officials and prosecutors in the preparation and utilization of DNA evidence for presentation in court; and

(3) Provide expert testimony in court on DNA evidentiary issues."

Correct the title.

Signed by Representatives O'Brien, Chair; Pearson, Ranking Minority Member; Ross, Assistant Ranking Minority Member; Ahern; Goodman and Kirby.

Referred to Committee on Appropriations.

February 26, 2008

SSB 6498 Prime Sponsor, Senate Committee on Labor, Commerce, Research & Development: Modifying provisions concerning real estate licensure law. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Green; Moeller and Williams.

Referred to Committee on Appropriations.

February 27, 2008

SSB 6556 Prime Sponsor, Senate Committee on Early Learning & K-12 Education: Requiring the office of the superintendent of public instruction to develop anaphylactic policy guidelines. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.210 RCW to read as follows:

(1) The office of the superintendent of public instruction, in consultation with the department of health, shall develop anaphylactic policy guidelines for schools to prevent anaphylaxis and deal with medical emergencies resulting from it. The policy guidelines shall be developed with input from pediatricians, school nurses, other health care providers, parents of children with life-threatening allergies, school administrators, teachers, and food service directors.

The policy guidelines shall include, but need not be limited to:

(a) A procedure for each school to follow to develop a treatment plan including the responsibilities for school nurses and other appropriate school personnel responsible for responding to a student who may be experiencing anaphylaxis;

(b) The content of a training course for appropriate school personnel for preventing and responding to a student who may be experiencing anaphylaxis;

(c) A procedure for the development of an individualized emergency health care plan for children with food or other allergies that could result in anaphylaxis;

(d) A communication plan for the school to follow to gather and disseminate information on students with food or other allergies who may experience anaphylaxis;

(e) Strategies for reduction of the risk of exposure to anaphylactic causative agents including food and other allergens.

(2) For the purpose of this section "anaphylaxis" means a severe allergic and life-threatening reaction that is a collection of symptoms, which may include breathing difficulties and a drop in blood pressure or shock.

(3)(a) By October 15, 2008, the superintendent of public instruction shall report to the select interim legislative task force on comprehensive school health reform created in section 6, chapter 5, Laws of 2007, on the following:

(i) The implementation within school districts of the 2008 guidelines for care of students with life-threatening food allergies developed by the superintendent pursuant to section 501, chapter 522, Laws of 2007, including a review of policies developed by the school districts, the training provided to school personnel, and plans for follow-up monitoring of policy implementation; and

(ii) Recommendations on requirements for effectively implementing the school anaphylactic policy guidelines developed under this section.

(b) By March 31, 2009, the superintendent of public instruction shall report policy guidelines to the appropriate committees of the legislature and to school districts for the districts to use to develop and adopt their policies.

(4) By September 1, 2009, each school district shall use the guidelines developed under subsection (1) of this section to develop and adopt a school district policy for each school in the district to follow to assist schools to prevent anaphylaxis."

Correct the title.

Signed by Representatives Cody, Chair; Morrell, Vice Chair; Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Barlow; Campbell; Condotta; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

Passed to Committee on Rules for second reading.

February 26, 2008

SSB 6678 Prime Sponsor, Senate Committee on Transportation: Authorizing the issuance of special license plates to parents of United States armed forces members who have died while in service to his or her country or as a result of such service. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Flannigan, Vice Chair; Ericksen, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Appleton; Dickerson; Eddy; Herrera; Hudgins; Jarrett; Kristiansen; Loomis; Rodne; Rolfes; Sells; Smith; Springer; Takko; Upthegrove; Wallace; Warnick; Williams and Wood.

Passed to Committee on Rules for second reading.

February 26, 2008

SSB 6726 Prime Sponsor, Senate Committee on Early Learning & K-12 Education: Granting the professional educator standards board ongoing authority to establish professional-level certification assessments and performance standards. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chair; Barlow, Vice Chair; Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Haigh; Liias; Roach; Santos and Sullivan.

Passed to Committee on Rules for second reading.

February 26, 2008

2SSB 6732 Prime Sponsor, Senate Committee on Ways & Means: Implementing the recommendations of the joint legislative task force on the underground economy in the construction industry. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

On page 16, after line 12, insert the following:

"NEW SECTION. **Sec. 11.** (1)(a) Three staff members, one being a working supervisor, must be added to the department of labor and industries' fraud audit infraction and revenue contractor fraud team.

(b) The department of labor and industries and the employment security department shall hire more auditors to assist with their enforcement activities relating to the underground economy in the construction industry. At a minimum, the department of labor and industries shall hire three more auditors.

(2) If funds are made available in the 2008 supplemental budget, money must be dedicated to the attorney general's office to be used in the enforcement of contractor compliance cases."

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

Signed by Representatives Conway, Chair; Wood, Vice Chair; Green; Moeller and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; and Chandler, Assistant Ranking Minority Member.

Referred to Committee on Appropriations.

February 26, 2008

SB 6740 Prime Sponsor, Senator Regala: Regarding the provision of teacher certification services. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chair; Barlow, Vice Chair; Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Haigh; Liias; Roach; Santos and Sullivan.

Passed to Committee on Rules for second reading.

February 27, 2008

SB 6849 Prime Sponsor, Senator Oemig: Regarding resident student classification. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended.

On page 4, after line 24, insert the following:

"NEW SECTION. Sec. 2. Section 1 of this act expires June 30, 2013.

NEW SECTION. Sec. 3. The state board for community and technical colleges and the public four-year institutions shall report to the appropriate committees of the legislature on the impact of the expansion of the definition of resident student under section 1 of this act by December 1, 2012."

Renumber the remaining section consecutively and correct any internal references accordingly. Correct the title.

Signed by Representatives Wallace, Chair; Sells, Vice Chair; Anderson, Ranking Minority Member; Hankins; McIntire; Schmick and Sommers.

MINORITY recommendation: Do not pass. Signed by Representatives Hasegawa and Roberts.

Referred to Committee on Appropriations.

February 26, 2008

SSB 6879 Prime Sponsor, Senate Committee on Early Learning & K-12 Education: Regarding the joint task force on basic education finance. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chair; Barlow, Vice Chair; Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Haigh; Liias; Roach; Santos and Sullivan.

Passed to Committee on Rules for second reading.

February 26, 2008

SB 6885 Prime Sponsor, Senator King: Expanding the list of persons and entities that may acquire driving record abstracts for certain purposes. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Flannigan, Vice Chair; Ericksen, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Appleton; Dickerson; Eddy; Herrera; Hudgins; Jarrett; Kristiansen; Loomis; Rodne; Rolfes; Sells; Smith; Springer; Takko; Upthegrove; Wallace; Warnick; Williams and Wood.

Passed to Committee on Rules for second reading.

February 26, 2008

SSB 6932 Prime Sponsor, Senate Committee on Transportation: Addressing ferry vessel and terminal planning. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 47.60.005 and 2007 c 512 s 3 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adaptive management" means a systematic process for continually improving management policies and practices by learning from the outcomes of operational programs.

(2) "Capital plan" means the state ferry system plan developed by the department as described in RCW 47.06.050(2) ((~~and adopted~~)), reviewed by the commission, and reported to the transportation committees of the legislature by the commission.

(3) "Capital project" has the same meaning as used in budget instructions developed by the office of financial management.

(4) "Commission" means the transportation commission created in RCW 47.01.051.

(5) "Improvement project" has the same meaning as in the budget instructions developed by the office of financial management. If the budget instructions do not define improvement project, then it has the same meaning as "program project" in the budget instructions. If a project meets both the improvement project and preservation project definitions in this section it must be defined as an improvement project. New vessel acquisitions must be defined as improvement projects.

(6) "Life-cycle cost model" means that portion of a capital asset inventory system which, among other things, is used to estimate future preservation needs.

(7) "Maintenance cost" has the same meaning as used in budget instructions developed by the office of financial management.

(8) "Preservation project" has the same meaning as used in budget instructions developed by the office of financial management.

(9) "Route" means all ferry sailings from one location to another, such as the Seattle to Bainbridge route or the Port Townsend to Keystone route.

(10) "Sailing" means an individual ferry sailing for a specific route, such as the 5:00 p.m. sailing from Seattle to Bremerton.

(11) "Travel shed" means one or more ferry routes with distinct characteristics as determined by the department.

NEW SECTION. **Sec. 2.** A new section is added to chapter 47.60 RCW to read as follows:

The department shall develop and maintain a vessel rebuild and replacement plan that, at a minimum:

(1) Includes projected retirement dates for all vessels, distinguishing between active and inactive vessels;

(2) Includes projected rebuild dates for all vessels;

(3) Includes timelines for vessel replacement, including business decisions, design, procurement, and construction; and

(4) Includes a summary of the condition of all vessels, distinguishing between active and inactive vessels.

Sec. 3. RCW 47.60.375 and 2007 c 512 s 13 are each amended to read as follows:

(1) The capital plan must adhere to the following:

(((~~(1)~~))) (a) A current ridership demand forecast;

(((~~(2)~~))) (b) Vehicle level of service standards as described in RCW 47.06.140;

(((~~(3)~~))) (c) Operational strategies as described in RCW 47.60.327; and

(((~~(4)~~))) (d) Terminal design standards as described in RCW 47.60.365.

(2) The capital plan must include the following:

(a) A current vessel preservation plan;

(b) A current systemwide vessel rebuild and replacement plan, which includes an evaluation of the long-term vessel operating costs related to fuel efficiency and staffing;

(c) A current vessel deployment plan; and

(d) A current terminal preservation plan.

Sec. 4. RCW 47.60.345 and 2007 c 512 s 10 are each amended to read as follows:

(1) The department shall maintain a life-cycle cost model on capital assets such that:

(a) Available industry standards are used for estimating the life of an asset, and department-adopted standard life cycles derived from the experience of similar public and private entities are used when industry standards are not available;

(b) Standard estimated life is adjusted for asset condition when inspections are made;

(c) It does not include utilities or other systems that are not replaced on a standard life cycle; and

(d) It does not include assets not yet built.

(2) All assets in the life-cycle cost model must be inspected and updated in the life-cycle cost model for asset condition at least every three years.

(3) The life-cycle cost model shall be used when estimating future ((~~system~~)) terminal and vessel preservation needs.

(4) The life-cycle cost model shall be the basis for developing the budget request for terminal and vessel preservation funding.

NEW SECTION. **Sec. 5.** A new section is added to chapter 47.60 RCW to read as follows:

(1) The department shall develop and maintain a vessel maintenance and preservation program that meets or exceeds all federal requirements and, at a minimum:

(a) Includes a bilge and void maintenance program;

(b) Includes a visual inspection/audio gauging steel preservation program; and

(c) Uses a lowest life-cycle cost method.

(2) The vessel maintenance and preservation program must maximize cost efficiency by, at a minimum:

(a) Reducing planned out-of-service time to the greatest extent possible; and

(b) Striving to eliminate planned peak season out-of-service periods.

(3) When construction is underway for the replacement of a vessel, the vessel that is scheduled for retirement is exempt from the requirement in subsection (1)(c) of this section.

(4) The department shall include a plain language status report on the maintenance and preservation vessel program with each budget submittal to the office of financial management. This report must include, at a minimum:

(a) A description of the maintenance and preservation of each vessel in the fleet;

(b) A highlight and explanation of any significant deviation from the norm;

(c) A highlight and explanation of any significant deviation from the vessel preservation plan required under RCW 47.60.375;

(d) A highlight and explanation of decisions not to invest in vessels; and

(e) A highlight and explanation of decisions to invest early in vessels."

Correct the title.

Signed by Representatives Clibborn, Chair; Flannigan, Vice Chair; Ericksen, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Appleton; Dickerson; Eddy; Herrera; Hudgins; Jarrett; Kristiansen; Loomis; Rodne; Rolfes; Sells; Smith; Springer; Takko; Upthegrove; Wallace; Warnick; Williams and Wood.

Passed to Committee on Rules for second reading.

February 26, 2008

SJM 8024 Prime Sponsor, Senator Hargrove: Requesting that Highway 112 be named the "Vietnam War Veterans' Memorial Highway." Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Flannigan, Vice Chair; Ericksen, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Appleton; Dickerson; Eddy; Herrera; Hudgins; Jarrett; Kristiansen; Loomis; Rodne; Rolfes; Sells; Smith; Springer; Takko; Upthegrove; Wallace; Warnick; Williams and Wood.

Passed to Committee on Rules for second reading.

FIRST SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 28, 2008

2ESSB 5100 Prime Sponsor, Senate Committee on Early Learning & K-12 Education: Regarding health insurance information for students. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.210 RCW to read as follows:

(1) Beginning with the 2008-09 school year, as part of a public school's enrollment process, the school shall annually inquire whether a student has health insurance. If a student's parent or guardian indicates that a student does not have health insurance coverage or does not indicate whether the student has or does not have health insurance, the school district or a designated community health care collaborative under written contract with the school district shall provide the parent or guardian with information about the existence of the medicaid and children's health insurance program and how to get additional information about the programs. The information shall be provided in writing via postal mail, electronic mail, or existing communication channels, by December 1, 2008, and annually thereafter.

(2) The office of the superintendent of public instruction shall work with the department of social and health services, the office of the education ombudsman, and established community health care collaboratives that have proven outreach and enrollment services to schools in developing a one-page informational sheet that contains the information schools are required to provide to parents under subsection (1) of this section and make that informational sheet available to schools on the superintendent of public instruction's web site and the office of the education ombudsman's web site by August 1, 2008.

(3) In carrying out their duties under this section, the specified agencies and collaboratives shall coordinate with the work of the select interim legislative task force on comprehensive school health established by chapter 5, Laws of 2007.

(4) Beginning December 1, 2008, schools shall report annually to the superintendent of public instruction the number of students that reported not having health insurance under subsection (1) of this section.

(5) As used in this section, "community health care collaborative" means a nonprofit organization or a local government entity that sponsors a community-based public-private collaborative with the stated purpose of improving health care access for a defined geographic area and target population, with an emphasis on active outreach to the uninsured and low-income persons. The collaborative must demonstrate formal governance accountability to a broad base of health care safety-net providers, school districts, hospitals, and public health and other community-based organizations."

Signed by Representatives Quall, Chair; Barlow, Vice Chair; Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Haigh, Liias, Roach, Santos and Sullivan.

Referred to Committee on Appropriations Subcommittee on Education.

February 28, 2008

SSB 5254 Prime Sponsor, Senate Committee on Ways & Means: Authorizing a grant program for industry skill panels. Reported by Committee on Appropriations Subcommittee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 47.60.005 and 2007 c 512 s 3 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adaptive management" means a systematic process for continually improving management policies and practices by learning from the outcomes of operational programs.

(2) "Capital plan" means the state ferry system plan developed by the department as described in RCW 47.06.050(2) ((~~and adopted~~)), reviewed by the commission, and reported to the transportation committees of the legislature by the commission.

(3) "Capital project" has the same meaning as used in budget instructions developed by the office of financial management.

(4) "Commission" means the transportation commission created in RCW 47.01.051.

(5) "Improvement project" has the same meaning as in the budget instructions developed by the office of financial management. If the budget instructions do not define improvement project, then it has the same meaning as "program project" in the budget instructions. If a project meets both the improvement project and preservation project definitions in this section it must be defined as an improvement project. New vessel acquisitions must be defined as improvement projects.

(6) "Life-cycle cost model" means that portion of a capital asset inventory system which, among other things, is used to estimate future preservation needs.

(7) "Maintenance cost" has the same meaning as used in budget instructions developed by the office of financial management.

(8) "Preservation project" has the same meaning as used in budget instructions developed by the office of financial management.

(9) "Route" means all ferry sailings from one location to another, such as the Seattle to Bainbridge route or the Port Townsend to Keystone route.

(10) "Sailing" means an individual ferry sailing for a specific route, such as the 5:00 p.m. sailing from Seattle to Bremerton.

(11) "Travel shed" means one or more ferry routes with distinct characteristics as determined by the department.

NEW SECTION. **Sec. 2.** A new section is added to chapter 47.60 RCW to read as follows:

The department shall develop and maintain a vessel rebuild and replacement plan that, at a minimum:

(1) Includes projected retirement dates for all vessels, distinguishing between active and inactive vessels;

(2) Includes projected rebuild dates for all vessels;

(3) Includes timelines for vessel replacement, including business decisions, design, procurement, and construction; and

(4) Includes a summary of the condition of all vessels, distinguishing between active and inactive vessels.

Sec. 3. RCW 47.60.375 and 2007 c 512 s 13 are each amended to read as follows:

(1) The capital plan must adhere to the following:

(((~~(1)~~))) (a) A current ridership demand forecast;

(((~~(2)~~))) (b) Vehicle level of service standards as described in RCW 47.06.140;

(((~~(3)~~))) (c) Operational strategies as described in RCW 47.60.327; and

(((~~(4)~~))) (d) Terminal design standards as described in RCW 47.60.365.

(2) The capital plan must include the following:

(a) A current vessel preservation plan;

(b) A current systemwide vessel rebuild and replacement plan, which includes an evaluation of the long-term vessel operating costs related to fuel efficiency and staffing;

(c) A current vessel deployment plan; and

(d) A current terminal preservation plan.

Sec. 4. RCW 47.60.345 and 2007 c 512 s 10 are each amended to read as follows:

(1) The department shall maintain a life-cycle cost model on capital assets such that:

(a) Available industry standards are used for estimating the life of an asset, and department-adopted standard life cycles derived from the experience of similar public and private entities are used when industry standards are not available;

(b) Standard estimated life is adjusted for asset condition when inspections are made;

(c) It does not include utilities or other systems that are not replaced on a standard life cycle; and

(d) It does not include assets not yet built.

(2) All assets in the life-cycle cost model must be inspected and updated in the life-cycle cost model for asset condition at least every three years.

(3) The life-cycle cost model shall be used when estimating future ((~~system~~)) terminal and vessel preservation needs.

(4) The life-cycle cost model shall be the basis for developing the budget request for terminal and vessel preservation funding.

NEW SECTION. **Sec. 5.** A new section is added to chapter 47.60 RCW to read as follows:

(1) The department shall develop and maintain a vessel maintenance and preservation program that meets or exceeds all federal requirements and, at a minimum:

(a) Includes a bilge and void maintenance program;

(b) Includes a visual inspection/audio gauging steel preservation program; and

(c) Uses a lowest life-cycle cost method.

(2) The vessel maintenance and preservation program must maximize cost efficiency by, at a minimum:

(a) Reducing planned out-of-service time to the greatest extent possible; and

(b) Striving to eliminate planned peak season out-of-service periods.

(3) When construction is underway for the replacement of a vessel, the vessel that is scheduled for retirement is exempt from the requirement in subsection (1)(c) of this section.

(4) The department shall include a plain language status report on the maintenance and preservation vessel program with each budget submittal to the office of financial management. This report must include, at a minimum:

(a) A description of the maintenance and preservation of each vessel in the fleet;

(b) A highlight and explanation of any significant deviation from the norm;

(c) A highlight and explanation of any significant deviation from the vessel preservation plan required under RCW 47.60.375;

(d) A highlight and explanation of decisions not to invest in vessels; and

(e) A highlight and explanation of decisions to invest early in vessels."

Correct the title.

Signed by Representatives Haigh, Chair; Sullivan, Vice Chair; Barlow; Fromhold; Haler; Herrera; Hunter; Jarrett; Kagi; Kenney; Ormsby; Quall; Seaquist; Springer and Wallace.

MINORITY recommendation: Do not pass. Signed by Representatives Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; and Crouse.

Passed to Committee on Rules for second reading.

February 27, 2008

SSB 5256 Prime Sponsor, Senate Committee on Ways & Means: Providing for the exclusion of veterans benefits from the income calculation for the retired person property tax relief program. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Orcutt, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Conway; Ericks; McIntire; Roach and Santos.

Passed to Committee on Rules for second reading.

February 28, 2008

E2SSB 5278 Prime Sponsor, Senate Committee on Government Operations & Elections: Concerning use of public funds to finance campaigns for local office. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Liias; Miloscia and Ormsby.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; and Kretz.

Passed to Committee on Rules for second reading.

February 28, 2008

SB 5319 Prime Sponsor, Senator Berkey: Regarding the issuance of checks by joint operating agencies and public utility districts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Takko, Vice Chair; Warnick, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Eddy; Nelson and Schmick.

Passed to Committee on Rules for second reading.

February 27, 2008

2SSB 5367 Prime Sponsor, Senate Committee on Ways & Means: Establishing the Washington trade corps fellowship program. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The Washington trade corps fellowship program is established at the University of Washington center for international business education and research to promote international trade and award fellowships to students who have shown significant interest in pursuing a career in international trade.

NEW SECTION. **Sec. 2.** Unless the context clearly requires otherwise, the definitions in this section apply to sections 1 through 7 of this act.

(1) "Center" means the center for international business education and research at the University of Washington.

(2) "Department" means the department of community, trade, and economic development, or the department of agriculture.

(3) "Fellow" means the recipient of a Washington trade corps fellowship award.

(4) "Institution" means an accredited public or private university or college within the state of Washington.

(5) "Trade office" means an office located outside the United States operated by a private company, an industry association, an agricultural commodity commission, or similar organization to promote its products or services; or funded by the department of community, trade, and economic development, the department of agriculture, or the United States commercial service of the department of commerce for the purpose of promoting international trade and commerce.

(6) "Trading company" means a private company operating in the state with at least one trade office.

NEW SECTION. **Sec. 3.** (1) Candidates for the fellowship must be:

(a) A resident student as defined in RCW 28B.15.012;

(b) Enrolled in an institution's program offering a degree or credential in international trade, international relations, international business, or a related area;

(c) Proficient in the language common to the area in which they will be placed;

(d) Able to work in international trade activities that benefit Washington state products, services, or international trade interests for two years after completing the fellowship. This requirement may start as soon as the fellowship is completed but no later than one year after graduation from the educational program in which the fellow is enrolled; and

(e) Accountable for repayment to the trade corps fellowship program the total amount of state funding provided to the fellow if the requirements of the fellowship are not fulfilled in their entirety.

(2) The center also may require that prospective fellowship candidates intern in the state with a trading company or a department as a prerequisite to applying for a fellowship.

NEW SECTION. **Sec. 4.** (1) A fellowship must be available for no more than five persons per year. Fellows shall serve a minimum of six months and may serve a maximum of eighteen months.

(2) Fellows shall be compensated with a stipend and provided living and travel expenses while overseas. The total cost provided by the center per fellow, per year, must not exceed twenty-five thousand dollars, at least fifty percent of which must be derived by the center from nonstate sources.

(3) Institutions are encouraged to and may provide students with college credit for serving as a fellow.

(4) To raise the nonstate funding match required by subsection (2) of this section, the center shall seek matching funds from trading companies, other private companies, foundations, and other relevant sources.

NEW SECTION. **Sec. 5.** The center must appoint a committee to assist it in evaluating and selecting applicants for the fellowships. At least three of the committee members must be members of organizations concerned with international trade; at least one must be from a statewide organization; and at least two must represent regional organizations from different regions of the state. At least three of the committee members must be from institutions and have expertise in international trade. The decision of the center in selecting fellows is final.

NEW SECTION. **Sec. 6.** (1) The center must assign fellows to trade offices in consultation with each fellow's institution. A placement in a department's trade office will be made with the approval of the department. The department may impose additional requirements as necessary to facilitate the efficient operation of its trade offices. No more than two fellows shall be assigned to any trade office at one time.

(2) The center must require that the work of each fellow be focused on activities that benefit products, services, and international trade interests of Washington state.

(3) The center must establish reporting requirements, which the fellows must meet. The center's reporting requirements may include research of value to a trading company, a department's international trade staff, or to trade promotion groups in the state, and may be in conjunction with or in addition to any requirements of the institution.

(4) The center may require that the fellow enter into postfellowship employment with a trading company or a department.

(5) The center may require that some or all of the fellowship costs be repaid if the fellowship requirements are not met.

(6) The center must report to the legislature on the Washington trade corps fellowship program by December 1, 2010, and by December 1st of every other year thereafter.

NEW SECTION. **Sec. 7.** Neither the center, the trading companies, the departments, the institution, nor any other division of the state is liable for injuries caused by a change in the security situation of the country in which a fellow is stationed. Fellows must follow all travel advisories published by the United States department of state for the country in which they are stationed.

NEW SECTION. **Sec. 8.** Sections 1 through 7 of this act are each added to chapter 43.31 RCW.

NEW SECTION. **Sec. 9.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Kenney, Chair; Pettigrew, Vice Chair; McDonald, Assistant Ranking Minority Member; Darneille; Rolfes and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Bailey, Ranking Minority Member; Chase and Haler.

Referred to Committee on Appropriations.

February 28, 2008

SSB 5378 Prime Sponsor, Senate Committee on Judiciary: Modifying deeds of trust provisions. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 61.24.010 and 1998 c 295 s 2 are each amended to read as follows:

(1) The trustee of a deed of trust under this chapter shall be:

(a) Any domestic corporation incorporated under Title 23B, 30, 31, 32, or 33 RCW of which at least one officer is a Washington resident; or

(b) Any title insurance company authorized to insure title to real property under the laws of this state, or its agents; or

(c) Any attorney who is an active member of the Washington state bar association at the time the attorney is named trustee; or

(d) Any professional corporation incorporated under chapter 18.100 RCW, any professional limited liability company formed under chapter 25.15 RCW, any general partnership, including limited liability partnerships, formed under chapter 25.04 RCW, all of whose shareholders, members, or partners, respectively, are either licensed attorneys or entities, provided all of the owners of those entities are licensed attorneys, or any domestic corporation wholly owned by any of the entities under this subsection (1)(d); or

(e) Any agency or instrumentality of the United States government; or

(f) Any national bank, savings bank, or savings and loan association chartered under the laws of the United States.

(2) The trustee may resign at its own election or be replaced by the beneficiary. The trustee shall give prompt written notice of its resignation to the beneficiary. The resignation of the trustee shall become effective upon the recording of the notice of resignation in each county in which the deed of trust is recorded. If a trustee is not appointed in the deed of trust, or upon the resignation, incapacity, disability, absence, or death of the trustee, or the election of the beneficiary to replace the trustee, the beneficiary shall appoint a trustee or a successor trustee. Upon recording the appointment of a successor trustee in each county in which the deed of trust is recorded, the successor trustee shall be vested with all powers of an original trustee.

(3) The trustee or successor trustee shall have no fiduciary duty or fiduciary obligation to the grantor or other persons having an interest in the property subject to the deed of trust.

(4) The trustee or successor trustee shall act impartially between the borrower, grantor, and beneficiary.

Sec. 2. RCW 61.24.030 and 1998 c 295 s 4 are each amended to read as follows:

It shall be requisite to a trustee's sale:

(1) That the deed of trust contains a power of sale;

(2) That the deed of trust contains a statement that the real property conveyed is not used principally for agricultural purposes; provided, if the statement is false on the date the deed of trust was granted or amended to include that statement, and false on the date of the trustee's sale, then the deed of trust must be foreclosed judicially. Real property is used for agricultural purposes if it is used in an operation that produces crops, livestock, or aquatic goods;

(3) That a default has occurred in the obligation secured or a covenant of the grantor, which by the terms of the deed of trust makes operative the power to sell;

(4) That no action commenced by the beneficiary of the deed of trust is now pending to seek satisfaction of an obligation secured by the deed of trust in any court by reason of the grantor's default on the obligation secured: PROVIDED, That (a) the seeking of the appointment of a receiver shall not constitute an action for purposes of this chapter; and (b) if a receiver is appointed, the grantor shall be entitled to any rents or profits derived from property subject to a homestead as defined in RCW 6.13.010. If the deed of trust was granted to secure a commercial loan, this subsection shall not apply to actions brought to enforce any other lien or security interest granted to secure the obligation secured by the deed of trust being foreclosed;

(5) That the deed of trust has been recorded in each county in which the land or some part thereof is situated;

(6) That prior to the date of the notice of trustee's sale and continuing thereafter through the date of the trustee's sale, the trustee must ((~~have~~)) maintain a street address in this state where personal service of process may be made, and the trustee must maintain a physical presence and have telephone service at such address; and

(7) That at least thirty days before notice of sale shall be recorded, transmitted or served, written notice of default shall be transmitted by the beneficiary or trustee to the borrower and grantor at their last known addresses by both first class and either registered

or certified mail, return receipt requested, and the beneficiary or trustee shall cause to be posted in a conspicuous place on the premises, a copy of the notice, or personally served on the borrower and grantor. This notice shall contain the following information:

(a) A description of the property which is then subject to the deed of trust;

(b) Each county in which the deed of trust is recorded and the document number given to the deed of trust upon recording by each county auditor or recording officer;

(c) That the beneficiary has declared the borrower or grantor to be in default, and a concise statement of the default alleged;

(d) An itemized account of the amount or amounts in arrears if the default alleged is failure to make payments;

(e) An itemized account of all other specific charges, costs, or fees that the borrower, grantor, or any guarantor is or may be obliged to pay to reinstate the deed of trust before the recording of the notice of sale;

(f) The total of (d) and (e) of this subsection, designated clearly and conspicuously as the amount necessary to reinstate the note and deed of trust before the recording of the notice of sale;

(g) That failure to cure the alleged default within thirty days of the date of mailing of the notice, or if personally served, within thirty days of the date of personal service thereof, may lead to recordation, transmittal, and publication of a notice of sale, and that the property described in (a) of this subsection may be sold at public auction at a date no less than one hundred twenty days in the future;

(h) That the effect of the recordation, transmittal, and publication of a notice of sale will be to (i) increase the costs and fees and (ii) publicize the default and advertise the grantor's property for sale;

(i) That the effect of the sale of the grantor's property by the trustee will be to deprive the grantor of all their interest in the property described in (a) of this subsection; and

(j) That the borrower, grantor, and any guarantor has recourse to the courts pursuant to RCW 61.24.130 to contest the alleged default on any proper ground.

Sec. 3. RCW 61.24.040 and 1998 c 295 s 5 are each amended to read as follows:

A deed of trust foreclosed under this chapter shall be foreclosed as follows:

(1) At least ninety days before the sale, the trustee shall:

(a) Record a notice in the form described in RCW 61.24.040(1)(f) in the office of the auditor in each county in which the deed of trust is recorded;

(b) To the extent the trustee elects to foreclose its lien or interest, or the beneficiary elects to preserve its right to seek a deficiency judgment against a borrower or grantor under RCW 61.24.100(3)(a), and if their addresses are stated in a recorded instrument evidencing their interest, lien, or claim of lien, or an amendment thereto, or are otherwise known to the trustee, cause a copy of the notice of sale described in RCW 61.24.040(1)(f) to be transmitted by both first class and either certified or registered mail, return receipt requested, to the following persons or their legal representatives, if any, at such address:

(i) The borrower and grantor;

(ii) The beneficiary of any deed of trust or mortgagee of any mortgage, or any person who has a lien or claim of lien against the property, that was recorded subsequent to the recordation of the deed of trust being foreclosed and before the recordation of the notice of sale;

(iii) The vendee in any real estate contract, the lessee in any lease, or the holder of any conveyances of any interest or estate in any portion or all of the property described in such notice, if that contract, lease, or conveyance of such interest or estate, or a memorandum or other notice thereof, was recorded after the recordation of the deed of trust being foreclosed and before the recordation of the notice of sale;

(iv) The last holder of record of any other lien against or interest in the property that is subject to a subordination to the deed of trust being foreclosed that was recorded before the recordation of the notice of sale;

(v) The last holder of record of the lien of any judgment subordinate to the deed of trust being foreclosed; and

(vi) The occupants of property consisting solely of a single-family residence, or a condominium, cooperative, or other dwelling unit in a multiplex or other building containing fewer than five residential units, whether or not the occupant's rental agreement is recorded, which notice may be a single notice addressed to "occupants" for each unit known to the trustee or beneficiary;

(c) Cause a copy of the notice of sale described in RCW 61.24.040(1)(f) to be transmitted by both first class and either certified or registered mail, return receipt requested, to the plaintiff or the plaintiff's attorney of record, in any court action to foreclose a lien or other encumbrance on all or any part of the property, provided a court action is pending and a lis pendens in connection therewith is recorded in the office of the auditor of any county in which all or part of the property is located on the date the notice is recorded;

(d) Cause a copy of the notice of sale described in RCW 61.24.040(1)(f) to be transmitted by both first class and either certified or registered mail, return receipt requested, to any person who has recorded a request for notice in accordance with RCW 61.24.045, at the address specified in such person's most recently recorded request for notice;

(e) Cause a copy of the notice of sale described in RCW 61.24.040(1)(f) to be posted in a conspicuous place on the property, or in lieu of posting, cause a copy of said notice to be served upon any occupant of the property;

(f) The notice shall be in substantially the following form:

NOTICE OF TRUSTEE'S SALE

I.

NOTICE IS HEREBY GIVEN that the undersigned Trustee will on the . . . . day of . . . . . ., . . ., at the hour of . . . . o'clock . . . . M. at . . . . . [street address and location if inside a building] in the City of . . . . ., State of Washington, sell at public auction to the highest and best bidder, payable at the time of sale, the following described real property, situated in the County(ies) of . . . . ., State of Washington, to-wit:

[If any personal property is to be included in the trustee's sale, include a description that reasonably identifies such personal property]

which is subject to that certain Deed of Trust dated . . . . . ., . . ., recorded . . . . . ., . . ., under Auditor's File No. . . . ., records of . . . . . County, Washington, from . . . . . ., as Grantor, to . . . . . ., as Trustee, to secure an obligation in favor of . . . . . ., as Beneficiary, the beneficial interest in which was assigned by . . . . . ., under an Assignment recorded under Auditor's File No. . . . . [Include recording information for all counties if the Deed of Trust is recorded in more than one county.]

II.

No action commenced by the Beneficiary of the Deed of Trust is now pending to seek satisfaction of the obligation in any Court by reason of the Borrower's or Grantor's default on the obligation secured by the Deed of Trust.

[If there is another action pending to foreclose other security for all or part of the same debt, qualify the statement and identify the action.]

III.

The default(s) for which this foreclosure is made is/are as follows:

[If default is for other than payment of money, set forth the particulars]

Failure to pay when due the following amounts which are now in arrears:

IV.

The sum owing on the obligation secured by the Deed of Trust is: Principal $ . . . . . ., together with interest as provided in the note or other instrument secured from the . . . . day of . . . . . ., . . ., and such other costs and fees as are due under the note or other instrument secured, and as are provided by statute.

V.

The above-described real property will be sold to satisfy the expense of sale and the obligation secured by the Deed of Trust as provided by statute. The sale will be made without warranty, express or implied, regarding title, possession, or encumbrances on the . . . . day of . . . . . ., . . . The default(s) referred to in paragraph III must be cured by the . . . . day of . . . . . ., . . . (11 days before the sale date), to cause a discontinuance of the sale. The sale will be discontinued and terminated if at any time on or before the . . . . day of . . . . . ., . . ., (11 days before the sale date), the default(s) as set forth in paragraph III is/are cured and the Trustee's fees and costs are paid. The sale may be terminated any time after the . . . . day of . . . . . ., . . . (11 days before the sale date), and before the sale by the Borrower, Grantor, any Guarantor, or the holder of any recorded junior lien or encumbrance paying the entire principal and interest secured by the Deed of Trust, plus costs, fees, and advances, if any, made pursuant to the terms of the obligation and/or Deed of Trust, and curing all other defaults.

VI.

A written notice of default was transmitted by the Beneficiary or Trustee to the Borrower and Grantor at the following addresses:

. . . . . .

. . . . . .

. . . . . .

by both first class and certified mail on the . . . . day of . . . . . ., . . ., proof of which is in the possession of the Trustee; and the Borrower and Grantor were personally served on the . . . . day of . . . . . ., . . ., with said written notice of default or the written notice of default was posted in a conspicuous place on the real property described in paragraph I above, and the Trustee has possession of proof of such service or posting.

VII.

The Trustee whose name and address are set forth below will provide in writing to anyone requesting it, a statement of all costs and fees due at any time prior to the sale.

VIII.

The effect of the sale will be to deprive the Grantor and all those who hold by, through or under the Grantor of all their interest in the above-described property.

IX.

Anyone having any objection to the sale on any grounds whatsoever will be afforded an opportunity to be heard as to those objections if they bring a lawsuit to restrain the sale pursuant to RCW 61.24.130. Failure to bring such a lawsuit may result in a waiver of any proper grounds for invalidating the Trustee's sale.

[Add Part X to this notice if applicable under RCW 61.24.040(9)]

. . . . . .

. . . . . , Trustee

. . . . . .

. . . . . Address

. . . . . .

. . . . . } Phone

[Acknowledgment]

(2) In addition to providing the borrower and grantor the notice of sale described in RCW 61.24.040(1)(f), the trustee shall include with the copy of the notice which is mailed to the grantor, a statement to the grantor in substantially the following form:

NOTICE OF FORECLOSURE
Pursuant to the Revised Code of Washington,
Chapter 61.24 RCW#

The attached Notice of Trustee's Sale is a consequence of default(s) in the obligation to . . . . . ., the Beneficiary of your Deed of Trust and owner of the obligation secured thereby. Unless the default(s) is/are cured, your property will be sold at auction on the . . . . day of . . . . . ., . . .

To cure the default(s), you must bring the payments current, cure any other defaults, and pay accrued late charges and other costs, advances, and attorneys' fees as set forth below by the . . . . day of . . . . . ., . . . [11 days before the sale date]. To date, these arrears and costs are as follows:

	Currently due	Estimated amount that will be due

	to reinstate on	to reinstate on . . . . (11 days before the date set for sale)
Delinquent payments from . . . . . ., . . ., in the amount of $ . . . ./mo.:	$	$ . . . .
Late charges in the total amount of:	$	$ . . . .
		Estimated Amounts
Attorneys' fees:	$	$ . . . .
Trustee's fee:	$	$ . . . .
Trustee's expenses: (Itemization)		
Title report	$	$ . . . .
Recording fees	$	$ . . . .
Service/Posting of Notices	$	$ . . . .
Postage/Copying expense	$	$ . . . .
Publication	$	$ . . . .
Telephone charges	$	$ . . . .
Inspection fees	$	$ . . . .
. . . . .	$	$ . . . .
. . . . .	$	$ . . . .
TOTALS	$	$ . . . .

To pay off the entire obligation secured by your Deed of Trust as of the . . . . . day of . . . . . you must pay a total of $. . . . . in principal, $. . . . . in interest, plus other costs and advances estimated to date in the amount of $. . . . . From and after the date of this notice you must submit a written request to the Trustee to obtain the total amount to pay off the entire obligation secured by your Deed of Trust as of the payoff date.

As to the defaults which do not involve payment of money to the Beneficiary of your Deed of Trust, you must cure each such default. Listed below are the defaults which do not involve payment of money to the Beneficiary of your Deed of Trust. Opposite each such listed default is a brief description of the action necessary to cure the default and a description of the documentation necessary to show that the default has been cured.

Default	Description of Action Required to Cure and Documentation Necessary to Show Cure
. . . . .	. . . . .
	. . . . .
	. . . . .
. . . . .	. . . . .
	. . . . .
	. . . . .

You may reinstate your Deed of Trust and the obligation secured thereby at any time up to and including the . . . . day of . . . . . ., . . . [11 days before the sale date], by paying the amount set forth or estimated above and by curing any other defaults described above. Of course, as time passes other payments may become due, and any further payments coming due and any additional late charges must be added to your reinstating payment. Any new defaults not involving payment of money that occur after the date of this notice must also be cured in order to effect reinstatement. In addition, because some of the charges can only be estimated at this time, and because the amount necessary to reinstate or to pay off the entire indebtedness may include presently unknown expenditures required to preserve the property or to comply with state or local law, it will be necessary for you to contact the Trustee before the time you tender reinstatement or the payoff amount so that you may be advised of the exact amount you will be required to pay. Tender of payment or performance must be made to: . . . . . ., whose address is . . . . . ., telephone ( ) . . . . . AFTER THE . . . . DAY OF . . . . . ., . . ., YOU MAY NOT REINSTATE YOUR DEED OF TRUST BY PAYING THE BACK PAYMENTS AND COSTS AND FEES AND CURING THE OTHER DEFAULTS AS OUTLINED ABOVE. The Trustee will respond to any written request for current payoff or reinstatement amounts within ten days of receipt of your written request. In such a case, you will only be able to stop the sale by paying, before the sale, the total principal balance ($ . . . . .) plus accrued interest, costs and advances, if any, made pursuant to the terms of the documents and by curing the other defaults as outlined above.

You may contest this default by initiating court action in the Superior Court of the county in which the sale is to be held. In such action, you may raise any legitimate defenses you have to this default. A copy of your Deed of Trust and documents evidencing the obligation secured thereby are enclosed. You may wish to consult a lawyer. Legal action on your part may prevent or restrain the sale, but only if you persuade the court of the merits of your defense.

The court may grant a restraining order or injunction to restrain a trustee's sale pursuant to RCW 61.24.130 upon five days notice to the trustee of the time when, place where, and the judge before whom the application for the restraining order or injunction is to be made. This notice shall include copies of all pleadings and related documents to be given to the judge. Notice and other process may be served on the trustee at:

NAME: . . . . . .
ADDRESS: . . . . . .
. . . . . .
TELEPHONE NUMBER: . . . . . .

If you do not reinstate the secured obligation and your Deed of Trust in the manner set forth above, or if you do not succeed in restraining the sale by court action, your property will be sold. The effect of such sale will be to deprive you and all those who hold by, through or under you of all interest in the property;

(3) In addition, the trustee shall cause a copy of the notice of sale described in RCW 61.24.040(1)(f) (excluding the acknowledgment) to be published in a legal newspaper in each county in which the property or any part thereof is situated, once on or between the thirty-fifth and twenty-eighth day before the date of

sale, and once on or between the fourteenth and seventh day before the date of sale;

(4) On the date and at the time designated in the notice of sale, the trustee or its authorized agent shall sell the property at public auction to the highest bidder. The trustee may sell the property in gross or in parcels as the trustee shall deem most advantageous;

(5) The place of sale shall be at any designated public place within the county where the property is located and if the property is in more than one county, the sale may be in any of the counties where the property is located. The sale shall be on Friday, or if Friday is a legal holiday on the following Monday, and during the hours set by statute for the conduct of sales of real estate at execution;

(6) The trustee has no obligation to, but may, for any cause the trustee deems advantageous, continue the sale for a period or periods not exceeding a total of one hundred twenty days by (a) a public proclamation at the time and place fixed for sale in the notice of sale and if the continuance is beyond the date of sale, by giving notice of the new time and place of the sale by both first class and either certified or registered mail, return receipt requested, to the persons specified in RCW 61.24.040(1)(b) (i) and (ii) to be deposited in the mail (i) not less than four days before the new date fixed for the sale if the sale is continued for up to seven days; or (ii) not more than three days after the date of the continuance by oral proclamation if the sale is continued for more than seven days, or, alternatively, (b) by giving notice of the time and place of the postponed sale in the manner and to the persons specified in RCW 61.24.040(1) (b), (c), (d), and (e) and publishing a copy of such notice once in the newspaper(s) described in RCW 61.24.040(3), more than seven days before the date fixed for sale in the notice of sale. No other notice of the postponed sale need be given;

(7) The purchaser shall forthwith pay the price bid and on payment the trustee shall execute to the purchaser its deed; the deed shall recite the facts showing that the sale was conducted in compliance with all of the requirements of this chapter and of the deed of trust, which recital shall be prima facie evidence of such compliance and conclusive evidence thereof in favor of bona fide purchasers and encumbrancers for value, except that these recitals shall not affect the lien or interest of any person entitled to notice under RCW 61.24.040(1), if the trustee fails to give the required notice to such person. In such case, the lien or interest of such omitted person shall not be affected by the sale and such omitted person shall be treated as if such person was the holder of the same lien or interest and was omitted as a party defendant in a judicial foreclosure proceeding;

(8) The sale as authorized under this chapter shall not take place less than one hundred ninety days from the date of default in any of the obligations secured.

(9) If the trustee elects to foreclose the interest of any occupant or tenant of property comprised solely of a single-family residence, or a condominium, cooperative, or other dwelling unit in a multiplex or other building containing fewer than five residential units, the following notice shall be included as Part X of the Notice of Trustee's Sale:

X.
NOTICE TO OCCUPANTS OR TENANTS#

The purchaser at the trustee's sale is entitled to possession of the property on the 20th day following the sale, as against the grantor under the deed of trust (the owner) and anyone having an interest junior to the deed of trust, including occupants and tenants. After the 20th day following the sale the purchaser has the right to evict occupants and tenants by summary proceedings under the unlawful detainer act, chapter 59.12 RCW.

(10) Only one copy of all notices required by this chapter need be given to a person who is both the borrower and the grantor. All notices required by this chapter that are given to a general partnership are deemed given to each of its general partners, unless otherwise agreed by the parties.

Sec. 4. RCW 61.24.045 and 1985 c 193 s 1 are each amended to read as follows:

Any person desiring a copy of any notice of sale described in RCW 61.24.040(1)(f) under any deed of trust, other than a person entitled to receive such a notice under RCW 61.24.040(1) (b) or (c), must, after the recordation of such deed of trust and before the recordation of the notice of sale, cause to be filed for record, in the office of the auditor of any county in which the deed of trust is recorded, a duly acknowledged request for a copy of any notice of sale. The request shall be signed and acknowledged by the person to be notified or such person's agent, attorney, or representative; shall set forth the name, mailing address, and telephone number, if any, of the person or persons to be notified; shall identify the deed of trust by stating the names of the parties thereto, the date the deed of trust was recorded, the legal description of the property encumbered by the deed of trust, and the auditor's file number under which the deed of trust is recorded; and shall be in substantially the following form:

REQUEST FOR NOTICE

Request is hereby made that a copy of any notice of sale described in RCW 61.24.040(1)(f) under that certain Deed of Trust dated . . . . ., ((~~19~~)) 20. . ., recorded on . . . . ., ((~~19~~)) 20. . ., under auditor's file No. . . . . ., records of . . . . . County, Washington, from . . . . ., as Grantor, to . . . . . ., as Trustee, to secure an obligation in favor of . . . . . ., as Beneficiary, and affecting the following described real property:

(Legal Description)

be sent by both first class and either registered or certified mail, return receipt requested, to . . . . . at . . . . . .

Dated this . . . . day of . . . . ., ((~~19~~)) 20. . .

. . . . . .
Signature

(Acknowledgment)

A request for notice under this section shall not affect title to, or be deemed notice to any person that any person has any right, title, interest in, lien or charge upon, the property described in the request for notice.

Sec. 5. RCW 61.24.130 and 1998 c 295 s 14 are each amended to read as follows:

(1) Nothing contained in this chapter shall prejudice the right of the borrower, grantor, any guarantor, or any person who has an interest in, lien, or claim of lien against the property or some part thereof, to restrain, on any proper legal or equitable ground, a trustee's sale. The court shall require as a condition of granting the restraining order or injunction that the applicant pay to the clerk of the court the sums that would be due on the obligation secured by the deed of trust if the deed of trust was not being foreclosed:

(a) In the case of default in making the periodic payment of principal, interest, and reserves, such sums shall be the periodic payment of principal, interest, and reserves paid to the clerk of the court every thirty days.

(b) In the case of default in making payment of an obligation then fully payable by its terms, such sums shall be the amount of interest accruing monthly on said obligation at the nondefault rate, paid to the clerk of the court every thirty days.

In the case of default in performance of any nonmonetary obligation secured by the deed of trust, the court shall impose such conditions as it deems just.

In addition, the court may condition granting the restraining order or injunction upon the giving of security by the applicant, in such form and amount as the court deems proper, for the payment of such costs and damages, including attorneys' fees, as may be later found by the court to have been incurred or suffered by any party by reason of the restraining order or injunction. The court may consider, upon proper showing, the grantor's equity in the property in determining the amount of said security.

(2) No court may grant a restraining order or injunction to restrain a trustee's sale unless the person seeking the restraint gives five days notice to the trustee of the time when, place where, and the judge before whom the application for the restraining order or injunction is to be made. This notice shall include copies of all pleadings and related documents to be given to the judge. No judge may act upon such application unless it is accompanied by proof, evidenced by return of a sheriff, the sheriff's deputy, or by any person eighteen years of age or over who is competent to be a witness, that the notice has been served on the trustee.

(3) If the restraining order or injunction is dissolved after the date of the trustee's sale set forth in the notice as provided in RCW 61.24.040(1)(f), the court granting such restraining order or injunction, or before whom the order or injunction is returnable, shall, at the request of the trustee, set a new sale date which shall be not less than forty-five days from the date of the order dissolving the restraining order. The trustee shall:

(a) Comply with the requirements of RCW 61.24.040(1) (a) through (f) at least thirty days before the new sale date; and

(b) Cause a copy of the notice of trustee's sale as provided in RCW 61.24.040(1)(f) to be published in a legal newspaper in each county in which the property or any part thereof is situated once between the thirty-fifth and twenty-eighth day before the sale and once between the fourteenth and seventh day before the sale.

(4) If a trustee's sale has been stayed as a result of the filing of a petition in federal bankruptcy court and an order is entered in federal bankruptcy court granting relief from the stay or closing or dismissing the case, or discharging the debtor with the effect of removing the stay, the trustee may set a new sale date which shall not be less than forty-five days after the date of the bankruptcy court's order. The trustee shall:

(a) Comply with the requirements of RCW 61.24.040(1) (a) through (f) at least thirty days before the new sale date; and

(b) Cause a copy of the notice of trustee's sale as provided in RCW 61.24.040(1)(f) to be published in a legal newspaper in each county in which the property or any part thereof is situated, once between the thirty-fifth and twenty-eighth day before the sale and once between the fourteenth and seventh day before the sale.

(5) Subsections (3) and (4) of this section are permissive only and do not prohibit the trustee from proceeding with a trustee's sale following termination of any injunction or stay on any date to which such sale has been properly continued in accordance with RCW 61.24.040(6).

(6) The issuance of a restraining order or injunction shall not prohibit the trustee from continuing the sale as provided in RCW 61.24.040(6).

Sec. 6. RCW 61.24.135 and 1998 c 295 s 15 are each amended to read as follows:

It is an unfair or deceptive act or practice under the consumer protection act, chapter 19.86 RCW, for any person, acting alone or in concert with others, to offer, or offer to accept or accept from another, any consideration of any type not to bid, or to reduce a bid, at a sale of property conducted pursuant to a power of sale in a deed of trust. The trustee may decline to complete a sale or deliver the trustee's deed and refund the purchase price, if it appears that the bidding has been collusive or defective, or that the sale might have been void. However, it is not an unfair or deceptive act or practice for any person, including a trustee, to state that a property subject to a recorded notice of trustee's sale or subject to a sale conducted pursuant to this chapter is being sold in an "as-is" condition, or for the beneficiary to arrange to provide financing for a particular bidder or to reach any good faith agreement with the borrower, grantor, any guarantor, or any junior lienholder."

Correct the title.

Signed by Representatives Lantz, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern; Flannigan; Kirby; Moeller; Pedersen; Ross and Williams.

Passed to Committee on Rules for second reading.

February 27, 2008

ESSB 5387 Prime Sponsor, Senate Committee on Ways & Means: Promoting economic development through commercialization of technologies. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 43.31 RCW to read as follows:

(1) The legislature finds that small technology-based firms are the source of approximately one-half of the economy's major innovations. The legislature further finds that economic development in the state is increasingly driven by innovative firms and that it is in the interest of the state to:

(a) Increase the number of innovative firms that understand and engage in the technology commercialization process by providing information resources and technical assistance in accessing new technologies; and

(b) Increase funding for product development and production by providing information on available finance options and facilitating the matching of investors with innovative entrepreneurs.

(2) To the extent funds are appropriated for these purposes, the department shall:

(a) In conjunction with public universities and colleges and private and federal research laboratories in the state:

(i) Develop and disseminate a guide to the technology commercialization process in general and the particular commercialization assistance available from research and academic institutions in the state;

(ii) Develop, maintain, and provide access to a database of technologies and inventions developed in the state available for commercialization and licensing; and

(iii) Offer training on the provision of commercialization assistance to technical assistance providers at the state's small business development centers, economic development councils, chambers of commerce, industry associations, the Washington manufacturing service, and private consulting firms;

(b) Develop a funding resource guide, offer workshops on how to access financing for commercializing new technologies, provide opportunities for novice investors to learn about investing in technology-based companies, host events to connect entrepreneurs and investors, and maintain an interactive web site accessible by both entrepreneurs and investors; and

(c) Report to the governor and the legislature on the impact of commercialization activities at Washington research institutions on an annual basis.

(3) The department shall contract with outside entities on a competitive bid basis to accomplish the requirements of subsection (2)(a) and (b) of this section."

Correct the title.

Signed by Representatives Kenney, Chair; Pettigrew, Vice Chair; Bailey, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Chase; Darneille; Haler; Rolfes and Sullivan.

Referred to Committee on Appropriations.

February 26, 2008

ESB 5425 Prime Sponsor, Senator Kohl-Welles: Adding additional appropriate locations for the transfer of newborn children. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chair; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Goodman; Hinkle and Pettigrew.

MINORITY recommendation: Without recommendation. Signed by Representative Roberts, Vice Chair.

Passed to Committee on Rules for second reading.

February 27, 2008

2SSB 5596 Prime Sponsor, Senate Committee on Ways & Means: Requiring fair payment for chiropractic services. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 48.43 RCW to read as follows:

(1)(a) Except as provided in (b) of this subsection, a health carrier may not develop and use a payment methodology that would result in a payment to a chiropractor under a payment or billing code in an amount less than a payment to a different provider licensed under Title 18 RCW who is being paid under the same payment or billing code. For payment methodologies that are developed and used after January 1, 2009, it is presumed that payment or billing codes that apply only to health care services provided by chiropractors are not in compliance with this requirement unless the carrier shows to the commissioner's satisfaction that the payment or billing codes are used only to achieve the purposes permitted under (b) of this subsection.

(b) This section does not affect a health carrier's:

(i) Implementation of a health care quality improvement program to promote cost-effective and clinically efficacious health care services, including but not limited to pay-for-performance payment methodologies and other programs fairly applied to all health care providers licensed under Title 18 RCW that are designed to promote evidence-based and research-based practices; or

(ii) Health care provider contracting to comply with RCW 48.43.515 and rules adopted by the commissioner establishing provider network adequacy standards.

(c) This section does not, and may not be construed to:

(i) Require the payment of provider billings that do not meet billing and claim payment standards set forth in rules adopted by the commissioner;

(ii) Require any health plan to include coverage of any condition; or

(iii) Expand the scope of practice for any health care provider.

(2) This section applies only to payment methodologies developed or used on and after January 1, 2009."

Correct the title.

Signed by Representatives Cody, Chair; Morrell, Vice Chair; Barlow; Campbell; DeBolt; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

MINORITY recommendation: Do not pass. Signed by Representatives Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; and Condotta.

Referred to Committee on Appropriations.

February 28, 2008

SSB 5628 Prime Sponsor, Senate Committee on Government Operations & Elections: Adopting the interstate agreement for the election of the president of the United States by national popular vote. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Liias; Miloscia and Ormsby.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; and Kretz.

Passed to Committee on Rules for second reading.

February 28, 2008

ESSB 5714 Prime Sponsor, Senate Committee on Early Learning & K-12 Education: Creating a pilot program of Spanish and Chinese language instruction. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chair; Barlow, Vice Chair; Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Haigh; Liias; Roach; Santos and Sullivan.

Passed to Committee on Rules for second reading.

February 28, 2008

2ESB 5723 Prime Sponsor, Senator Rasmussen: Creating and funding the community agricultural worker safety grant program. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that agricultural workers are challenged not only in finding full-time, year-round work, but also face difficulties in upgrading their agricultural skills. The legislature also finds that the agricultural industry's demand for skilled workers far outnumbers the current supply. In addition, the legislature finds that despite recent advances in the safety of agricultural production, additional training of agricultural workers should assist the agricultural sector in ongoing efforts to reduce occupational injuries.

NEW SECTION. **Sec. 2.** A new section is added to chapter 15.04 RCW to read as follows:

(1) The community agricultural worker safety grant program is created within the department.

(2) Subject to amounts appropriated for this specific purpose, the department shall conduct a competitive grant process and award a grant to a nonprofit organization exempt from federal income tax under Title 26 U.S.C. Sec. 501(c)(3) of the internal revenue code to develop and provide practical, hands-on training for the state's agricultural workers.

(3) The grant recipient may receive up to two hundred fifty thousand dollars per year.

(4)(a) In developing practical, hands-on training for the state's agricultural workers, the grant recipient shall work with specific stakeholders as follows:

(i) Farmers, farm workers, and related organizations to develop training related to tractor and farm machinery skills and safety and pesticides; and

(ii) Community and technical colleges to develop training related to adult basic skills, civics, English as a second language, commercial drivers' licensing, and other related topics.

(b) Stakeholders identified under this subsection (4) may not receive compensation for their participation with the grant recipient.

(5) The department shall monitor the effectiveness of any training developed and provided under this section.

NEW SECTION. **Sec. 3.** A new section is added to chapter 15.04 RCW to read as follows:

The department of agriculture shall report to the appropriate committees of the legislature by December 1st of each year on the implementation of agricultural worker training pursuant to section 309(7), chapter 522, Laws of 2007 and section 2 of this act, as appropriate. The report shall include, as appropriate, information about any competitive grant process used and the grant recipient selected, training developed and provided, the number of people trained, and any reduction in workplace injuries.

NEW SECTION. **Sec. 4.** Section 2 of this act takes effect July 1, 2009.

NEW SECTION. **Sec. 5.** This act expires July 1, 2012."

Correct the title.

Signed by Representatives Conway, Chair; Wood, Vice Chair; Green; Moeller and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; and Crouse.

Referred to Committee on Appropriations.

February 28, 2008

ESSB 5746 Prime Sponsor, Senate Committee on Labor, Commerce, Research & Development: Regarding the practice of landscape architecture. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

On page 7, beginning on line 13, strike all of section 8 and insert the following:

"**Sec. 8.** RCW 18.96.080 and 1993 c 35 s 2 are each amended to read as follows:

(1) Application for ((~~registration~~)) licensure shall be filed with the ((~~director prior to the date set for examination and shall contain statements made under oath showing the applicant's education and a detailed summary of practical experience, and shall contain not less than three references who are landscape architects having personal~~

~~knowledge of the applicant's landscape architectural experience~~)) board as provided by rule.

(2) The application ((~~fee~~)) for ((~~initial~~)) examination shall be ((~~determined by the director as provided in RCW 43.24.086. The application and fee must be submitted to the agency prior to the application deadline established by the director.~~

~~Fees for initial examination and reexamination shall be determined by the director as provided in RCW 43.24.086, and must be filed with the agency prior to the application deadline established by the director~~)) filed with the board as prescribed by rule."

Beginning on page 9, line 1, strike all of sections 10 and 11 and insert the following:

"**Sec. 10.** RCW 18.96.100 and 1993 c 35 s 4 are each amended to read as follows:

(1) The director may((~~, upon payment of a reciprocity application fee and the current registration fee in an amount as determined by the director as provided in RCW 43.24.086, grant a certificate of registration, upon recommendation by the board, to any applicant who is a registered landscape architect in any other state or country whose requirements for registration are at least substantially equivalent to the requirements of this state for registration by examination, and which extends the same privileges of reciprocity to landscape architects registered in this state~~)) grant a certificate of licensure to an applicant who is a licensed landscape architect in another state or territory of the United States, the District of Columbia, or another country, if that individual's qualifications and experience are determined by the board to be equivalent to the qualifications and experience required of a person licensed under RCW 18.96.070.

(2) A landscape architect licensed or registered in any other jurisdiction recognized by the board may offer to practice landscape architecture in this state if:

(a) It is clearly and prominently stated in any such offer that the landscape architect is not licensed to practice landscape architecture in Washington state; and

(b) Before practicing landscape architecture or signing a contract to provide landscape architectural services, the landscape architect obtains a certificate of licensure.

Sec. 11. RCW 18.96.110 and 1993 c 35 s 5 are each amended to read as follows:

(1) The renewal dates for certificates of ((~~registration shall be set by the director. The director shall set the fee for renewal which shall be determined as provided in RCW 43.24.086.~~

~~If a registrant fails to pay the renewal fee within thirty days after the renewal date, the renewal shall be delinquent. The renewal fee for a delinquent renewal and the penalty fee for a delinquent renewal shall be established by the director. Any registrant in good standing, upon fully retiring from landscape architectural practice, may withdraw from practice by giving written notice to the director, and may thereafter resume practice at any time upon payment of the then current renewal fee. Any registrant, other than a properly withdrawn licensee, who fails to renew his or her registration for a period of more than five years may be reinstated under the~~)) licensure shall be set by the director in accordance with RCW 43.24.086.

(2) Any licensee in good standing may withdraw from the practice of landscape architecture by giving written notice to the director, and may within five years thereafter resume active practice upon complying with this chapter. A licensee may be reinstated after a withdrawal of more than five years under such circumstances as the board determines.

(3) A licensed landscape architect must demonstrate continuing professional education activities since the landscape architect's last renewal or initial licensure, as the case may be; the board shall by rule describe the professional development activities required by the board. The board may decline to renew a license if the landscape architect's continuing professional education activities do not meet the standards in the board's rules. In the application of this subsection, the board shall strive to ensure that rules are consistent with the continuing professional education requirements in use by the national professional organizations representing landscape architects and in use by other cohort states. Cohort states are those other United States determined by the board to be comparable to Washington in natural factors and landscape architecture licensure."

Beginning on page 12, line 3, strike all of section 14 and insert the following:

"**Sec. 14.** RCW 18.96.150 and 1993 c 35 s 6 are each amended to read as follows:

((~~The director shall issue a certificate of registration upon payment of the registration fee as provided in this chapter to any applicant who has satisfactorily met all requirements for registration. All certificates of registration shall show the full name of the registrant, shall have a serial number and shall be signed by the chairman and the executive secretary of the board, and by the director.~~

~~Each registrant shall obtain a seal of a design authorized by the board, bearing the registrant's name and the legend, "registered landscape architect". All sheets of drawings and title pages of specifications prepared by the registrant shall be stamped with said seal.~~)) (1) The director shall issue a certificate of licensure to any applicant who has, to the satisfaction of the board, met all the requirements for licensure as provided in this chapter. All certificates of licensure shall show the full name of the licensee, have the license number, and shall be signed by the chair of the board and by the director. The issuance of a certificate of licensure by the director is prima facie evidence that the person named therein is entitled to all the rights and privileges of a licensed landscape architect.

(2) Each licensee shall obtain a seal of the design authorized by the board bearing the landscape architect's name, license number, the legend "Licensed Landscape Architect," and the name of this state. Drawings prepared by the licensee shall be sealed and signed by the licensee when filed with public authorities. It is unlawful to seal and sign a document after a licensee's certificate of licensure or authorization has expired, been revoked, or is suspended. A landscape architect shall not seal and sign technical submissions not prepared by the landscape architect or his or her regularly employed subordinates, or individuals under his or her direct control, or if prepared by a landscape architect licensed in any jurisdiction recognized by the board, reviewed and accepted as the sealing landscape architect's own work; a landscape architect who signs or seals drawings or specifications that he or she has reviewed is responsible to the same extent as if prepared by that landscape architect."

Beginning on page 13, line 22, strike all of sections 16 and 17 and insert the following:

"**Sec. 16.** RCW 18.96.190 and 1996 c 293 s 15 are each amended to read as follows:

The ((~~director~~)) board shall suspend the certificate of ((~~registration~~)) licensure of any person who has been certified by a lending agency and reported to the ((~~director~~)) board for nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. ((~~Prior to~~)) Before the suspension, the agency must provide the person an opportunity for a brief adjudicative proceeding under RCW 34.05.485 through 34.05.494 and issue a finding of nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. The person's certificate of ((~~registration~~)) licensure shall not be reissued until the person provides the ((~~director~~)) board a written release issued by the lending agency stating that the person is making payments on the loan in accordance with a repayment agreement approved by the lending agency. If the person has continued to meet all other requirements for certification of licensure during the suspension, reinstatement shall be automatic upon receipt of the notice and ((~~payment of any reinstatement fee the director may impose~~)) compliance with this chapter."

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

On page 14, line 32, after "(10)" strike all material through "jurisdictions" on line 34 and insert "Preparation of conceptual landscape drawings that are not for use in bidding, permitting, or construction"

Signed by Representatives Conway, Chair; Wood, Vice Chair; Green; Moeller and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; and Crouse.

Referred to Committee on Appropriations.

February 28, 2008

ESB 5751 Prime Sponsor, Senator Kohl-Welles: Creating a wine and beer tasting pilot project in grocery stores. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

On page 2, line 16, after "and" strike "obviously" and insert "apparently"

On page 2, after line 20, insert the following:

"(h) The board may prohibit tasting at a pilot project location that is within the boundaries of an alcohol impact area recognized by resolution of the board if the board finds that the tasting activities at the location are having an adverse effect on the reduction of chronic public inebriation in the area."

Reletter the remaining subsections consecutively and correct any internal references accordingly.

Signed by Representatives Conway, Chair; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Moeller and Williams.

MINORITY recommendation: Without recommendation. Signed by Representatives Wood, Vice Chair; Crouse and Green.

Referred to Committee on Appropriations.

February 28, 2008

SSB 5869 Prime Sponsor, Senate Committee on Government Operations & Elections: Monitoring personal information collected by state agencies. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass as amended.

On page 1, line 11, after "the" strike "state interoperability executive" and insert "((~~state interoperability executive~~)) enterprise architecture"

On page 6, line 36, after "schedule;" strike "and"

On page 6, line 37, after "interfaces;" strike "and" and insert the following:

"(i) Unique agency identifiers; and

(j) Whether information in the system is shared with other government entities under a data-sharing agreement or regulation; and"

Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Chandler, Ranking Minority Member; Kretz; Liias; Miloscia and Ormsby.

Passed to Committee on Rules for second reading.

February 28, 2008

SSB 6060 Prime Sponsor, Senate Committee on Judiciary: Addressing unlawful detainer actions based on nonpayment of rent. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern; Flannigan; Kirby; Moeller; Pedersen; Ross and Williams.

Passed to Committee on Rules for second reading.

February 26, 2008

SB 6183 Prime Sponsor, Senator Parlette: Providing a process for the dissolution of first-class school directors' districts. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chair; Barlow, Vice Chair; Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Haigh; Liias; Roach; Santos and Sullivan.

Passed to Committee on Rules for second reading.

February 28, 2008

SB 6187 Prime Sponsor, Senator Shin: Creating the food animal veterinarian conditional scholarship program. Reported by Committee on Appropriations Subcommittee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that there is a critical shortage of food animal veterinarians particularly in rural areas of the state. The legislature finds that among the factors contributing to this shortage is the need to repay student loans that are taken out to pay for an extensive and high-cost education. To pay these student loans, licensed graduates currently find it necessary to take higher paying positions that provide service to companion and small animals.

The legislature finds that the livestock industry provides a critical component of the food supply. Providing adequate animal health and disease diagnostic services is of high importance not only to protect animal health, but also for the protection of our food supply, the protection of public health from potential effects of contagious diseases, and to provide an essential disease detection and response capability.

The legislature intends to increase the supply of food animal veterinarians by providing incentives to graduates of Washington State University college of veterinary medicine to focus on food animal health services to address this critical shortage.

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

(1) "College" means the Washington State University college of veterinary medicine.

(2) "Conditional scholarship" means a loan that is forgiven in whole or in part if the recipient renders service as a food animal veterinarian in this state.

(3) "Eligible student" means a student who is registered for at least six credit hours or the equivalent, is making satisfactory academic progress as defined by the college, has declared veterinary medicine for his or her major, and has a declared intention to practice veterinary medicine with an emphasis in food animal medicine in the state of Washington.

(4) "Food animal" means any species commonly recognized as livestock including, but not limited to, poultry, cattle, swine, and sheep.

(5) "Food animal veterinarian" means a veterinarian licensed and registered under chapter 18.92 RCW and engaged in general and food animal practice as a primary specialty, who has at least fifty percent of his or her practice time devoted to large production animal veterinary practice.

(6) "Forgiven" or "to forgive" or "forgiveness" means to practice veterinary medicine with an emphasis in food animal medicine in the state of Washington in lieu of monetary repayment.

(7) "Participant" means an eligible student who has received a conditional scholarship under this chapter.

(8) "Satisfied" means paid-in-full.

(9) "University" means Washington State University.

NEW SECTION. **Sec. 3.** The food animal veterinarian conditional scholarship program is established. The program shall be administered by the university. In administering the program, the university has the following powers and duties:

(1) To select, in consultation with the college, up to two students each year to receive conditional scholarships;

(2) To adopt necessary rules and guidelines;

(3) To publicize the program;

(4) To collect and manage repayments from students who do not meet their obligations under this chapter; and

(5) To solicit and accept grants and donations from public and private sources for the program.

NEW SECTION. **Sec. 4.** (1) The university shall select participants based on an application process conducted by the university.

(2) The university shall establish a selection committee for screening and selecting recipients of the conditional scholarships. The selection committee shall include at least two representatives from the college, at least one of whom is a faculty member teaching in food animal veterinary medicine, and at least one representative from the beef, dairy, or sheep industry.

(3) The selection criteria shall emphasize factors demonstrating a sustained interest in food animals and serving the needs of Washington's agricultural communities. The criteria shall also take into account the need for food animal veterinarians in diverse areas of the state and allocate funds in a manner designed to represent a cross-section of geographic locations.

NEW SECTION. **Sec. 5.** To remain an eligible student and receive continuing disbursements under the program, a participant must be considered by the college to be making satisfactory academic progress.

NEW SECTION. **Sec. 6.** The university may award conditional scholarships to eligible students from the funds appropriated to the university for this purpose, or from any private donations, or any other funds given to the university for this program. The amount of the conditional scholarship awarded an individual may not exceed the amount of resident tuition and fees at the college, as well as the cost of room, board, laboratory fees and supplies, and books, incurred by an eligible student and approved by a financial aid administrator at the university. Participants are eligible to receive conditional scholarships for a maximum of five years.

NEW SECTION. **Sec. 7.** (1) A participant in the conditional scholarship program incurs an obligation to repay the conditional scholarship, with interest, unless he or she is employed as a food animal veterinarian in Washington state for each year of scholarship received, under rules adopted by the university.

(2) The interest rate shall be determined annually by the university.

(3) The minimum payment shall be set by the university. The maximum period for repayment is ten years, with payments of principal and interest accruing quarterly commencing six months from the date the participant completes or discontinues the course of study, including any internship or residency in food animal medicine and surgery. Provisions for deferral of payment shall be determined by the university.

(4) The entire principal and interest of each payment shall be forgiven for each payment period in which the participant is employed as a food animal veterinarian in this state until the entire repayment obligation is satisfied. Should the participant cease to be employed as a food animal veterinarian in this state before the participant's repayment obligation is completed, payments on the unsatisfied portion of the principal and interest shall begin the next payment period and continue until the remainder of the participant's repayment obligation is satisfied.

(5) The university is responsible for collection of repayments made under this section and shall exercise due diligence in such collection, maintaining all necessary records to ensure that maximum repayments are made. Collection and servicing of repayments under this section shall be pursued using the full extent of the law, including wage garnishment if necessary. The university is responsible to forgive all or parts of such repayments under the criteria established in this section and shall maintain all necessary records of forgiven payments.

(6) Receipts from the payment of principal or interest or any other subsidies to which the university as administrator is entitled, that are paid by or on behalf of participants under this section, shall be deposited in the food animal veterinarian conditional scholarship account and shall be used to cover the costs of granting the conditional scholarships, maintaining necessary records, and making collections under subsection (5) of this section. The university shall maintain accurate records of these costs, and all receipts beyond those necessary to pay such costs shall be used to grant conditional scholarships to eligible students.

(7) The university shall adopt rules to define the terms of repayment, including applicable interest rates, fees, and deferments.

NEW SECTION. **Sec. 8.** (1) The food animal veterinarian conditional scholarship account is created in the custody of the state treasurer. No appropriation is required for expenditures of funds from the account. The account is not subject to allotment procedures under chapter 43.88 RCW except for moneys used for program administration.

(2) The university shall deposit into the account all moneys received for the program. The account shall be self-sustaining and consist of funds appropriated by the legislature for the food animal veterinarian conditional scholarship program, private contributions to the program, and receipts from participant repayments.

(3) Expenditures from the account may be used solely for conditional scholarships to participants in the program established by this chapter and costs associated with program administration by the university.

(4) Disbursements from the account may be made only on the authorization of the university.

Sec. 9. RCW 43.79A.040 and 2007 c 523 s 5, 2007 c 357 s 21, and 2007 c 214 s 14 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

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

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington promise scholarship account, the college savings program account, the Washington advanced college tuition payment program account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the students with dependents grant account, the basic health plan self-insurance reserve account, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the Washington international exchange scholarship endowment fund, the developmental disabilities endowment trust fund, the energy account, the fair fund, the family leave insurance account, the food animal veterinarian conditional scholarship account, the fruit and vegetable inspection account, the future teachers conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the grain inspection revolving fund, the juvenile accountability incentive account, the law enforcement officers' and fire fighters' plan 2 expense fund, the local tourism promotion account, the produce railcar pool account, the regional transportation investment district account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the sulfur dioxide abatement account, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account (earnings from the Washington horse racing commission operating account must be credited to the Washington horse racing commission class C purse fund account), the life sciences discovery fund, the Washington state heritage center account, and the reading achievement account. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the advanced environmental mitigation revolving account, the city and county advance right-of-way revolving fund, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. **Sec. 10.** Sections 1 through 8 of this act constitute a new chapter in Title 28B RCW.

NEW SECTION. **Sec. 11.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Haigh, Chair; Sullivan, Vice Chair; Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Barlow; Crouse; Fromhold; Haler; Herrera; Hunter; Jarrett; Kagi; Kenney; Ormsby; Quall; Seaquist; Springer and Wallace.

Passed to Committee on Rules for second reading.

February 26, 2008

SB 6193 Prime Sponsor, Senator Hargrove: Giving county clerks authority to withhold and deliver funds from criminal defendants who owe legal financial obligations. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern; Flannigan; Kirby; Moeller; Pedersen; Ross and Williams.

Passed to Committee on Rules for second reading.

February 27, 2008

SB 6196 Prime Sponsor, Senator Pridemore: Modifying definitions applicable to local infrastructure financing tool program demonstration projects. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Orcutt, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Conway; Ericks; McIntire and Roach.

MINORITY recommendation: Without recommendation. Signed by Representative Santos.

Passed to Committee on Rules for second reading.

February 27, 2008

SB 6204 Prime Sponsor, Senator Sheldon: Dividing water resource inventory area 14 into WRIA 14a and WRIA 14b. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Van De Wege, Vice Chair; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Eickmeyer; Grant; Lantz; Loomis; McCoy; Nelson; Newhouse and Orcutt.

Passed to Committee on Rules for second reading.

February 28, 2008

2SSB 6206 Prime Sponsor, Senate Committee on Ways & Means: Concerning agency reviews and reports regarding child abuse, neglect, and near fatalities. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 74.13.640 and 2004 c 36 s 1 are each amended to read as follows:

(1) The department of social and health services shall conduct a child fatality review in the event of an unexpected death of a minor in the state who is in the care of or receiving services described in chapter 74.13 RCW from the department or who has been in the care of or received services described in chapter 74.13 RCW from the department within one year preceding the minor's death.

(2) Upon conclusion of a child fatality review required pursuant to subsection (1) of this section, the department shall within one hundred eighty days following the fatality issue a report on the results of the review to the appropriate committees of the legislature and shall make copies of the report available to the public upon request, unless an extension has been granted by the governor.

(3) The department shall develop and implement procedures to carry out the requirements of subsections (1) and (2) of this section.

(4) In the event a child fatality is the result of apparent abuse or neglect by the child's parent or caregiver, the department shall ensure that the fatality review team is comprised of individuals who had no previous involvement in the case and whose professional expertise is pertinent to the dynamics of the case.

(5) In the event of a near-fatality of a child who is in the care of or receiving services described in this chapter from the department or who has been in the care of or received services described in this chapter from the department within one year preceding the near-fatality, the department shall promptly notify the office of the family and children's ombudsman.

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.06A RCW to read as follows:

The office of the family and children's ombudsman shall issue an annual report to the legislature on the status of the implementation of child fatality review recommendations.

Sec. 3. RCW 43.06A.100 and 1999 c 390 s 5 are each amended to read as follows:

The department of social and health services shall:

(1) Allow the ombudsman or the ombudsman's designee to communicate privately with any child in the custody of the department for the purposes of carrying out its duties under this chapter;

(2) Permit the ombudsman or the ombudsman's designee physical access to state institutions serving children, and state licensed facilities or residences for the purpose of carrying out its duties under this chapter;

(3) Upon the ombudsman's request, grant the ombudsman or the ombudsman's designee the right to access, inspect, and copy all relevant information, records, or documents in the possession or control of the department that the ombudsman considers necessary in an investigation; and

(4) Grant the office of the family and children's ombudsman unrestricted on-line access to the case and management information system (CAMIS) or any successor information system for the purpose of carrying out its duties under this chapter.

Sec. 4. RCW 26.44.030 and 2007 c 387 s 3 are each amended to read as follows:

(1)(a) When any practitioner, county coroner or medical examiner, law enforcement officer, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, employee of the department of early learning, licensed or certified child care providers or their employees, employee of the department, juvenile probation officer, placement and liaison specialist, responsible living skills program staff, HOPE center staff, or state family and children's ombudsman or any volunteer in the ombudsman's office has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(b) When any person, in his or her official supervisory capacity with a nonprofit or for-profit organization, has reasonable cause to believe that a child has suffered abuse or neglect caused by a person over whom he or she regularly exercises supervisory authority, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency, provided that the person alleged to have caused the abuse or neglect is employed by, contracted by, or volunteers with the organization and coaches, trains, educates, or counsels a child or children or regularly has unsupervised access to a child or children as part of the employment, contract, or voluntary service. No one shall be required to report under this section when he or she obtains the information solely as a result of a privileged communication as provided in RCW 5.60.060.

Nothing in this subsection (1)(b) shall limit a person's duty to report under (a) of this subsection.

For the purposes of this subsection, the following definitions apply:

(i) "Official supervisory capacity" means a position, status, or role created, recognized, or designated by any nonprofit or for-profit organization, either for financial gain or without financial gain, whose scope includes, but is not limited to, overseeing, directing, or managing another person who is employed by, contracted by, or volunteers with the nonprofit or for-profit organization.

(ii) "Regularly exercises supervisory authority" means to act in his or her official supervisory capacity on an ongoing or continuing basis with regards to a particular person.

(c) The reporting requirement also applies to department of corrections personnel who, in the course of their employment, observe offenders or the children with whom the offenders are in contact. If, as a result of observations or information received in the course of his or her employment, any department of corrections personnel has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report the incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(d) The reporting requirement shall also apply to any adult who has reasonable cause to believe that a child who resides with them, has suffered severe abuse, and is able or capable of making a report. For the purposes of this subsection, "severe abuse" means any of the following: Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death; any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

(e) The report must be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child has suffered abuse or neglect. The report must include the identity of the accused if known.

(2) The reporting requirement of subsection (1) of this section does not apply to the discovery of abuse or neglect that occurred during childhood if it is discovered after the child has become an adult. However, if there is reasonable cause to believe other children are or may be at risk of abuse or neglect by the accused, the reporting requirement of subsection (1) of this section does apply.

(3) Any other person who has reasonable cause to believe that a child has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

(4) The department, upon receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to alleged sexual abuse, shall report such incident to the proper law enforcement agency. In emergency cases, where the child's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report must also be made to the proper law enforcement agency within five days thereafter.

(5) Any law enforcement agency receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to alleged sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child's welfare is endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

(6) Any county prosecutor or city attorney receiving a report under subsection (5) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of

the decision to charge or decline to charge a crime, within five days of making the decision.

(7) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child. Information considered privileged by statute and not directly related to reports required by this section must not be divulged without a valid written waiver of the privilege.

(8) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

(9) Persons or agencies exchanging information under subsection (7) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

(10) Upon receiving reports of alleged abuse or neglect, the department or law enforcement agency may interview children. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. Parental notification of the interview must occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation.

(11) Upon receiving a report of alleged child abuse and neglect, the department or investigating law enforcement agency shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

(12) In investigating and responding to allegations of child abuse and neglect, the department may conduct background checks as authorized by state and federal law.

(13) If a report of alleged abuse or neglect is founded and constitutes the third founded report received by the department within the last twelve months involving the same child or family, the department shall promptly notify the office of the family and children's ombudsman of the contents of the report. The department shall also notify the ombudsman of the disposition of the report.

(14) The department shall maintain investigation records and conduct timely and periodic reviews of all cases constituting abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

(((~~(14)~~))) (15) The department shall use a risk assessment process when investigating alleged child abuse and neglect referrals. The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. Substance abuse must be a risk factor. The department shall, within funds appropriated for this purpose, offer enhanced community-based services to persons who are determined not to require further state intervention.

(((~~(15)~~))) (16) Upon receipt of a report of alleged abuse or neglect the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting.

(((~~(16)~~))) (17) The department shall make reasonable efforts to learn the name, address, and telephone number of each person making a report of abuse or neglect under this section. The department shall provide assurances of appropriate confidentiality of the identification of persons reporting under this section. If the department is unable to learn the information required under this subsection, the department shall only investigate cases in which: (a) The department believes there is a serious threat of substantial harm to the child; (b) the report indicates conduct involving a criminal offense that has, or is about to occur, in which the child is the victim; or (c) the department has, after investigation, a report of abuse or neglect that has been founded with regard to a member of the household within three years of receipt of the referral.

(18) Upon receiving a report of alleged abuse or neglect involving a child under the court's jurisdiction under chapter 13.34 RCW, the department shall promptly notify the child's guardian ad litem of the report's contents. The department shall also notify the guardian ad litem of the disposition of the report. For purposes of this subsection, "guardian ad litem" has the meaning provided in RCW 13.34.030.

Sec. 5. RCW 26.44.030 and 2007 c 387 s 3 and 2007 c 220 s 2 are each reenacted and amended to read as follows:

(1)(a) When any practitioner, county coroner or medical examiner, law enforcement officer, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, employee of the department of early learning, licensed or certified child care providers or their employees, employee of the department, juvenile probation officer, placement and liaison specialist, responsible living skills program staff, HOPE center staff, or state family and children's ombudsman or any volunteer in the ombudsman's office has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(b) When any person, in his or her official supervisory capacity with a nonprofit or for-profit organization, has reasonable cause to believe that a child has suffered abuse or neglect caused by a person over whom he or she regularly exercises supervisory authority, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency, provided that the person alleged to have caused the abuse or neglect is employed by, contracted by, or volunteers with the organization and coaches, trains, educates, or counsels a child or children or regularly has unsupervised access to a child or children as part of the employment, contract, or voluntary service. No one shall be required to report under this section when he or she obtains the information solely as a result of a privileged communication as provided in RCW 5.60.060.

Nothing in this subsection (1)(b) shall limit a person's duty to report under (a) of this subsection.

For the purposes of this subsection, the following definitions apply:

(i) "Official supervisory capacity" means a position, status, or role created, recognized, or designated by any nonprofit or for-profit organization, either for financial gain or without financial gain, whose scope includes, but is not limited to, overseeing, directing, or managing another person who is employed by, contracted by, or volunteers with the nonprofit or for-profit organization.

(ii) "Regularly exercises supervisory authority" means to act in his or her official supervisory capacity on an ongoing or continuing basis with regards to a particular person.

(c) The reporting requirement also applies to department of corrections personnel who, in the course of their employment, observe offenders or the children with whom the offenders are in contact. If, as a result of observations or information received in the course of his or her employment, any department of corrections personnel has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report the incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(d) The reporting requirement shall also apply to any adult who has reasonable cause to believe that a child who resides with them, has suffered severe abuse, and is able or capable of making a report. For the purposes of this subsection, "severe abuse" means any of the following: Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death; any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

(e) The report must be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child has suffered abuse or neglect. The report must include the identity of the accused if known.

(2) The reporting requirement of subsection (1) of this section does not apply to the discovery of abuse or neglect that occurred during childhood if it is discovered after the child has become an adult. However, if there is reasonable cause to believe other children are or may be at risk of abuse or neglect by the accused, the reporting requirement of subsection (1) of this section does apply.

(3) Any other person who has reasonable cause to believe that a child has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

(4) The department, upon receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to alleged sexual abuse, shall report such incident to the proper law enforcement agency. In emergency cases, where the child's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report must also be made to the proper law enforcement agency within five days thereafter.

(5) Any law enforcement agency receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to alleged sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child's welfare is endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

(6) Any county prosecutor or city attorney receiving a report under subsection (5) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

(7) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child. Information considered privileged by statute and not directly related to reports required by this section must not be divulged without a valid written waiver of the privilege.

(8) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

(9) Persons or agencies exchanging information under subsection (7) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

(10) Upon receiving a report of alleged abuse or neglect, the department shall make reasonable efforts to learn the name, address, and telephone number of each person making a report of abuse or neglect under this section. The department shall provide assurances of appropriate confidentiality of the identification of persons reporting under this section. If the department is unable to learn the information required under this subsection, the department shall only investigate cases in which:

(a) The department believes there is a serious threat of substantial harm to the child;

(b) The report indicates conduct involving a criminal offense that has, or is about to occur, in which the child is the victim; or

(c) The department has a prior founded report of abuse or neglect with regard to a member of the household that is within three years of receipt of the referral.

(11)(a) For reports of alleged abuse or neglect that are accepted for investigation by the department, the investigation shall be conducted within time frames established by the department in rule.

In no case shall the investigation extend longer than ninety days from the date the report is received, unless the investigation is being conducted under a written protocol pursuant to RCW 26.44.180 and a law enforcement agency or prosecuting attorney has determined that a longer investigation period is necessary. At the completion of the investigation, the department shall make a finding that the report of child abuse or neglect is founded or unfounded.

(b) If a court in a civil or criminal proceeding, considering the same facts or circumstances as are contained in the report being investigated by the department, makes a judicial finding by a preponderance of the evidence or higher that the subject of the pending investigation has abused or neglected the child, the department shall adopt the finding in its investigation.

(12) In conducting an investigation of alleged abuse or neglect, the department or law enforcement agency:

(a) May interview children. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. Parental notification of the interview must occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation; and

(b) Shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

(13) If a report of alleged abuse or neglect is founded and constitutes the third founded report received by the department within the last twelve months involving the same child or family, the department shall promptly notify the office of the family and children's ombudsman of the contents of the report. The department shall also notify the ombudsman of the disposition of the report.

(14) In investigating and responding to allegations of child abuse and neglect, the department may conduct background checks as authorized by state and federal law.

(((~~(14)~~))) (15) The department shall maintain investigation records and conduct timely and periodic reviews of all founded cases of abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

(((~~(15)~~))) (16) The department shall use a risk assessment process when investigating alleged child abuse and neglect referrals. The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. Substance abuse must be a risk factor. The department shall, within funds appropriated for this purpose, offer enhanced community-based services to persons who are determined not to require further state intervention.

(((~~(16)~~))) (17) Upon receipt of a report of alleged abuse or neglect the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting.

(18) Upon receiving a report of alleged abuse or neglect involving a child under the court's jurisdiction under chapter 13.34 RCW, the department shall promptly notify the child's guardian ad litem of the report's contents. The department shall also notify the guardian ad litem of the disposition of the report. For purposes of this subsection, "guardian ad litem" has the meaning provided in RCW 13.34.030.

NEW SECTION. **Sec. 6.** A new section is added to chapter 43.06A RCW to read as follows:

The ombudsman shall analyze a random sampling of referrals made by mandated reporters during 2006 and 2007 and report to the appropriate committees of the legislature on the following: The number and types of referrals from mandated reporters; the disposition of the referrals by category of mandated reporters; how many referrals resulted in the filing of dependency actions; any patterns established by the department in how it dealt with such referrals; whether the history of fatalities in 2006 and 2007 showed referrals by mandated reporters; and any other information the ombudsman deems relevant. The ombudsman may contract for all or a portion of the tasks essential to completing the analysis and report required under this section. The report is due no later than June 30, 2009.

NEW SECTION. **Sec. 7.** Section 4 of this act expires October 1, 2008.

NEW SECTION. **Sec. 8.** Section 5 of this act takes effect October 1, 2008."

Correct the title.

Signed by Representatives Kagi, Chair; Roberts, Vice Chair; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Goodman; Hinkle and Pettigrew.

Referred to Committee on Appropriations.

February 28, 2008

SB 6216 Prime Sponsor, Senator Prentice: Authorizing of the governor to enter into a cigarette tax contract with the Shoalwater Bay Tribe. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Chandler, Ranking Minority Member; Kretz; Liias; Miloscia and Ormsby.

Passed to Committee on Rules for second reading.

February 27, 2008

2SSB 6220 Prime Sponsor, Senate Committee on Ways & Means: Allowing the delegation of nursing tasks to care for persons with diabetes. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

On page 5, after line 29, insert the following:

"NEW SECTION. **Sec. 4.** A new section is added to chapter 18.79 RCW to read as follows:

(1) The commission, in cooperation with the department of social and health services, shall develop a monitoring system for

insulin administered by injection by nursing assistants pursuant to a delegation from a registered nurse made in accordance with RCW 18.79.260(3)(e). The monitoring system shall include information reported by delegating nurses on the number of nursing assistants who administer insulin by injection; the number of patients those nursing assistants serve; the number of injections that have been administered; the number, type, and outcome of any inappropriately administered insulin injections; and other relevant information.

(2) The commission shall report to the governor and the legislature on the findings of the monitoring system and any recommendations for continuing or discontinuing to permit registered nurses to delegate the administration of insulin by injection to nursing assistants in accordance with RCW 18.79.260(3)(e). The report shall be submitted to the governor and the legislature by November 15, 2012.

NEW SECTION. **Sec. 5.** This act expires June 1, 2013."

Correct the title.

Signed by Representatives Cody, Chair; Morrell, Vice Chair; Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Barlow; Campbell; Condotta; DeBolt; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

Passed to Committee on Rules for second reading.

February 29, 2008

SSB 6231 Prime Sponsor, Senate Committee on Ways & Means: Improving the coordination of marine protected areas. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: Do pass. Signed by Representatives Upthegrove, Chair; Rolfes, Vice Chair; Dickerson, Eickmeyer and O'Brien.

MINORITY recommendation: Do not pass. Signed by Representatives Sump, Ranking Minority Member; Kristiansen and Pearson.

Referred to Committee on Appropriations.

February 27, 2008

SSB 6241 Prime Sponsor, Senate Committee on Health & Long-Term Care: Prohibiting the sale or use of prescriber-identifiable prescription data for commercial or marketing purposes. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Morrell, Vice Chair; Barlow; Campbell; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

MINORITY recommendation: Do not pass. Signed by Representatives Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Condotta and DeBolt.

Passed to Committee on Rules for second reading.

February 28, 2008

SSB 6246 Prime Sponsor, Senate Committee on Labor, Commerce, Research & Development: Authorizing travel expenses for closed industrial insurance claims. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

February 27, 2008

SB 6267 Prime Sponsor, Senator Keiser: Repealing RCW 18.79.255. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Morrell, Vice Chair; Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Barlow; Campbell; Condotta; DeBolt; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

Passed to Committee on Rules for second reading.

February 27, 2008

SB 6275 Prime Sponsor, Senator Haugen: Granting authority for drainage district commissioners to implement drainage maintenance plans. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Van De Wege, Vice Chair; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Eickmeyer; Grant; Lantz; Loomis; McCoy; Nelson; Newhouse and Orcutt.

Passed to Committee on Rules for second reading.

February 27, 2008

SSB 6297 Prime Sponsor, Senate Committee on Ways & Means: Changing elected prosecuting attorney salaries. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that an elected county prosecuting attorney functions as both a state officer in pursuing criminal cases on behalf of the state of Washington, and as a county officer who acts as civil counsel for the county, and provides services to school districts and lesser taxing districts by statute.

The elected prosecuting attorney's dual role as a state officer and a county officer is reflected in various provisions of the state Constitution and within state statute.

The legislature finds that the responsibilities and decisions required of the elected prosecuting attorney are essentially the same in every county within Washington state, from a decision to seek the death penalty in an aggravated murder case, to the decision not to prosecute but refer an offender to drug court; from a decision to pursue child rape charges based solely upon the testimony of the child, to a decision to divert juvenile offenders out of the justice system. Therefore, the legislature finds that elected prosecuting attorneys need to exercise the same level of skill and expertise in the least populous county as in the most populous county.

The legislature finds that the salary of the elected county prosecuting attorney should be tied to that of a superior court judge. This furthers the state's interests and responsibilities under the state Constitution, and is consistent with the current practice of several counties in Washington state, the practices of several other states, and the national district attorneys' association national standards.

Sec. 2. RCW 36.17.020 and 2001 c 73 s 3 are each amended to read as follows:

The county legislative authority of each county or a county commissioner or councilmember salary commission which conforms with RCW 36.17.024 is authorized to establish the salaries of the elected officials of the county. ((~~One-half of the salary of each prosecuting attorney shall be paid by the state.~~)) The state and county shall contribute to the costs of the salary of the elected prosecuting attorney as set forth in subsection (11) of this section. The annual salary of a county elected official shall not be less than the following:

(1) In each county with a population of one million or more: Auditor, clerk, treasurer, sheriff, members of the county legislative authority, and coroner, eighteen thousand dollars; and assessor, nineteen thousand dollars((~~, and prosecuting attorney, thirty thousand three hundred dollars~~));

(2) In each county with a population of from two hundred ten thousand to less than one million: Auditor, seventeen thousand six hundred dollars; clerk, seventeen thousand six hundred dollars; treasurer, seventeen thousand six hundred dollars; sheriff, nineteen thousand five hundred dollars; assessor, seventeen thousand six hundred dollars; ((~~prosecuting attorney, twenty-four thousand eight hundred dollars;~~)) members of the county legislative authority, nineteen thousand five hundred dollars; and coroner, seventeen thousand six hundred dollars;

(3) In each county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand: Auditor, sixteen thousand dollars; clerk, sixteen thousand dollars; treasurer, sixteen thousand dollars; sheriff, seventeen thousand six hundred dollars; assessor, sixteen thousand dollars; ((~~prosecuting attorney, twenty-four thousand eight hundred dollars;~~)) members of the county legislative authority, seventeen thousand six hundred dollars; and coroner, sixteen thousand dollars;

(4) In each county with a population of from seventy thousand to less than one hundred twenty-five thousand: Auditor, fourteen thousand nine hundred dollars; clerk, fourteen thousand nine hundred dollars; treasurer, fourteen thousand nine hundred dollars; assessor, fourteen thousand nine hundred dollars; sheriff, fourteen thousand nine hundred dollars; ((~~prosecuting attorney, twenty-three thousand seven hundred dollars;~~)) members of the county legislative authority, fourteen thousand nine hundred dollars; and coroner, fourteen thousand nine hundred dollars;

(5) In each county with a population of from forty thousand to less than seventy thousand: Auditor, thirteen thousand eight hundred dollars; clerk, thirteen thousand eight hundred dollars; treasurer, thirteen thousand eight hundred dollars; assessor, thirteen thousand eight hundred dollars; sheriff, thirteen thousand eight hundred dollars; ((~~prosecuting attorney, twenty-three thousand seven hundred dollars;~~)) members of the county legislative authority, thirteen thousand eight hundred dollars; and coroner, thirteen thousand eight hundred dollars;

(6) In each county with a population of from eighteen thousand to less than forty thousand: Auditor, twelve thousand one hundred dollars; clerk, twelve thousand one hundred dollars; treasurer, twelve thousand one hundred dollars; sheriff, twelve thousand one hundred dollars; assessor, twelve thousand one hundred dollars; ((~~prosecuting attorney in such a county in which there is no state university or college, fourteen thousand three hundred dollars; in such a county in which there is a state university or college, sixteen thousand five hundred dollars;~~)) and members of the county legislative authority, eleven thousand dollars;

(7) In each county with a population of from twelve thousand to less than eighteen thousand: Auditor, ten thousand one hundred dollars; clerk, ten thousand one hundred dollars; treasurer, ten thousand one hundred dollars; assessor, ten thousand one hundred dollars; sheriff, eleven thousand two hundred dollars; ((~~prosecuting attorney, thirteen thousand two hundred dollars;~~)) and members of the county legislative authority, nine thousand four hundred dollars;

(8) In each county with a population of from eight thousand to less than twelve thousand: Auditor, ten thousand one hundred dollars; clerk, ten thousand one hundred dollars; treasurer, ten thousand one hundred dollars; assessor, ten thousand one hundred dollars; sheriff, eleven thousand two hundred dollars; ((~~prosecuting attorney, nine thousand nine hundred dollars;~~)) and members of the county legislative authority, seven thousand dollars;

(9) In each county with a population of from five thousand to less than eight thousand: Auditor, nine thousand one hundred dollars; clerk, nine thousand one hundred dollars; treasurer, nine thousand one hundred dollars; assessor, nine thousand one hundred dollars; sheriff, ten thousand five hundred dollars; ((~~prosecuting attorney, nine thousand nine hundred dollars;~~)) and members of the county legislative authority, six thousand five hundred dollars;

(10) In each other county: Auditor, nine thousand one hundred dollars; clerk, nine thousand one hundred dollars; treasurer, nine thousand one hundred dollars; sheriff, ten thousand five hundred dollars; assessor, nine thousand one hundred dollars; ((~~prosecuting attorney, nine thousand nine hundred dollars;~~)) and members of the county legislative authority, six thousand five hundred dollars;

(11) The state of Washington shall contribute an amount equal to one-half the salary of a superior court judge towards the salary of the elected prosecuting attorney. Upon receipt of the state contribution, a county shall continue to contribute towards the salary of the elected prosecuting attorney in an amount that equals or exceeds that contributed by the county in 2008.

NEW SECTION. **Sec. 3.** This act takes effect July 1, 2008.

NEW SECTION. **Sec. 4.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Sommers, Chair; Dunshee, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Haler, Assistant Ranking Minority Member; Anderson; Chandler; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Green; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McIntire; Morrell; Pettigrew; Priest; Ross; Schmick; Schual-Berke; Seaquist; Sullivan and Walsh.

Passed to Committee on Rules for second reading.

February 28, 2008

SSB 6306 Prime Sponsor, Senate Committee on Human Services & Corrections: Providing an additional procedure for visitation rights for relatives of dependent children. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chair; Roberts, Vice Chair; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Goodman; Hinkle and Pettigrew.

Passed to Committee on Rules for second reading.

February 27, 2008

SSB 6307 Prime Sponsor, Senate Committee on Water, Energy & Telecommunications: Regarding marine managed areas. Reported by Committee on Ecology & Parks

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that many state agencies and local governments administer marine protected areas, preserves, conservation areas, and other similar geographically based area designations that are a valuable means to protect and enhance Puget Sound's marine resources. The legislature further finds that climate change impacts and increased population and development in the Puget Sound basin will place further stresses upon sustaining the biological diversity and ecosystem health of Puget Sound.

(2) It is the intent of the legislature that state and local actions intended to protect, conserve, and manage marine life and resources be conducted in a coordinated manner, use the best available science, consider the projected impacts on Puget Sound's marine areas from climate change, and contribute to the recovery of the Puget Sound's environmental health by 2020.

(3) It is the purpose of this act to:

(a) Create a strategic network of marine managed areas that contribute to conserving the biological diversity and ecosystem health of Puget Sound and that maximizes the effectiveness of the role of marine managed areas in achieving the recovery of Puget Sound's health by 2020;

(b) Strengthen the coordination of marine managed areas among multiple state agencies and local governments and align these efforts with the work of the Puget Sound partnership to recover the Puget Sound's health by 2020;

(c) Provide for management and designation of marine managed areas programs on an ecosystem basis and incorporate the best available scientific information into these programs;

(d) Adopt a plan that builds a comprehensive system of marine managed areas, adopts goals and benchmarks for maintaining the diversity of marine life and resources in Puget Sound, and is based upon anticipated threats and stressors such as climate change impacts;

(e) Recognize the interrelationship of the marine ecosystem throughout the Pacific Northwest, and the multiple entities, including local, state, provincial, and federal governments, as well as tribal governments and first nations, that are involved in managing marine managed areas; and

(f) Adopt codified criteria and procedures applicable to the aquatic reserve program on state-owned aquatic lands.

Sec. 2. RCW 90.71.010 and 2007 c 341 s 2 are each amended to read as follows:

((~~Unless the context clearly requires otherwise,~~)) The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Action agenda" means the comprehensive schedule of projects, programs, and other activities designed to achieve a healthy Puget Sound ecosystem that is authorized and further described in RCW 90.71.300 and 90.71.310.

(2) "Action area" means the geographic areas delineated as provided in RCW 90.71.260.

(3) "Benchmarks" means measurable interim milestones or achievements established to demonstrate progress towards a goal, objective, or outcome.

(4) "Board" means the ecosystem coordination board.

(5) "Council" means the leadership council.

(6) "Environmental indicator" means a physical, biological, or chemical measurement, statistic, or value that provides a proximate gauge, or evidence of, the state or condition of Puget Sound.

(7) "Implementation strategies" means the strategies incorporated on a biennial basis in the action agenda developed under RCW 90.71.310.

(8) "Marine managed area" means a named, discrete geographic marine or estuarine area designated by statute, ordinance, resolution, or administrative action, whose designation is intended to protect, conserve, or otherwise manage the marine life and resources within the area.

(9) "Nearshore" means the area beginning at the crest of coastal bluffs and extending seaward through the marine photics zone, and to the head of tide in coastal rivers and streams. "Nearshore" also means both shoreline and estuaries.

((~~(9)~~)) (10) "Panel" means the Puget Sound science panel.

((~~(10)~~)) (11) "Partnership" means the Puget Sound partnership.

((~~(11)~~)) (12) "Plan" means the Puget Sound marine managed areas plan developed under section 3 of this act.

(13) "Puget Sound" means Puget Sound and related inland marine waters, including all salt waters of the state of Washington inside the international boundary line between Washington and British Columbia, and lying east of the junction of the Pacific Ocean and the Strait of Juan de Fuca, and the rivers and streams draining to Puget Sound as mapped by water resource inventory areas 1 through 19 in WAC 173-500-040 as it exists on July 1, 2007.

(((~~(12)~~))) (14) "Puget Sound partner" means an entity that has been recognized by the partnership, as provided in RCW 90.71.340, as having consistently achieved outstanding progress in implementing the 2020 action agenda.

(((~~(13)~~))) (15) "Watershed groups" means all groups sponsoring or administering watershed programs, including but not limited to local governments, private sector entities, watershed planning units, watershed councils, shellfish protection areas, regional fishery enhancement groups, marine ((~~resource[s]~~)) resources committees including those working with the Northwest straits commission, nearshore groups, and watershed lead entities.

(((~~(14)~~))) (16) "Watershed programs" means and includes all watershed-level plans, programs, projects, and activities that relate to or may contribute to the protection or restoration of Puget Sound waters. Such programs include jurisdiction-wide programs regardless of whether more than one watershed is addressed.

NEW SECTION. **Sec. 3.** A new section is added to chapter 90.71 RCW to read as follows:

(1) The partnership shall prepare a Puget Sound marine managed areas plan to coordinate and strengthen all of the marine managed areas programs managed by state agencies and local governments.

(2) The chair of the council shall designate a work group to prepare the plan. The work group shall include one or more members of the Puget Sound science panel, one of whom must chair the work group. The work group must include, but not be limited to, state agencies and local governments with regulatory jurisdiction over or that manage marine managed areas including, but not limited to, the department of natural resources, the department of fish and wildlife, the parks and recreation commission, and the department of ecology. The work group shall also include the state biodiversity council, created by executive order 04-02, or the biodiversity council's successor entity. The chair of the council shall also invite representatives of tribal governments, federal agencies, cities, counties, and nongovernmental organizations that have designated or have significant interests in the management of Puget Sound marine managed areas. The chair of the council may also invite representatives from other states and provinces and first nation and tribal governments with interests in marine managed areas in the Pacific Northwest to participate on the work group as observers.

(3) The plan must include, but not be limited to:

(a) Guidelines for identifying key species of concern, threats to these species, and threshold levels of protected habitat needed to recover these species and Puget Sound as a whole to health by 2020;

(b) Guidelines for incorporating the best available scientific information when designating and managing marine managed areas;

(c) Guidelines for managing areas on an ecosystem basis and for coordinating multiple programs and areas within the same biogeographical regions to achieve ecosystem-based management;

(d) Benchmarks to measure progress toward the recovery of species and protected habitat;

(e) Recommendations for adequate levels of funding for the designation, long-term management, and monitoring of the marine managed areas in the network;

(f) Strategies to address the projected impacts to marine managed areas from population growth, existing and proposed upland and aquatic lands development, and storm water discharges to Puget Sound;

(g) Strategies to prepare for and manage the impacts of climate change, including impacts due to sea level changes, salinity changes, water temperature, increased acidification, and changes in frequency and intensity of precipitation events affecting storm water discharges to marine waters;

(h) An adaptive management component in which new information on the progress of implementing management goals for the individual marine managed areas and overall goals for all such areas, the contribution these areas are making toward the goals of recovering the health of Puget Sound by 2020, and climate change impacts may be considered and integrated into the designation and management of marine managed areas; and

(i) Methodologies for synthesizing monitoring results with programmatic goals to inform decision making on subsequent designation and marine managed areas strategies and any necessary changes in implementation strategies to increase the effectiveness of the marine managed areas program in achieving the goal of recovering the Puget Sound's health by 2020.

(4) The plan must also include comprehensive objectives for coordinating existing marine managed areas and designating additional areas to achieve a network of marine managed areas contributing to long-term conservation of important biota and marine ecosystems and recovery of Puget Sound by 2020. In developing the objectives the work group shall rely primarily upon existing plans and objectives relating to conservation of marine life in Puget Sound, and the program plans prepared by state agencies and local governments administering marine managed areas programs. The plan must also consider activities and uses within or adjacent to marine managed areas that are allowed under existing leases of state-owned aquatic lands issued under chapter 79.105 RCW.

(5) The plan must be completed by July 1, 2010, and submitted to the council for its review and approval. The plan must be incorporated into the Puget Sound action agenda adopted under RCW 90.71.310. The council shall provide for public review and comment on the plan in a manner comparable to the other provisions of the Puget Sound action agenda. The council may, with the assistance of the work group, amend the plan from time to time using public review and comment procedures comparable to those that apply when other elements of the Puget Sound action agenda are revised.

Sec. 4. RCW 79.105.210 and 2005 c 155 s 143 are each amended to read as follows:

(1) The management of state-owned aquatic lands shall preserve and enhance water-dependent uses. Water-dependent uses shall be favored over other uses in state-owned aquatic land planning and in resolving conflicts between competing lease applications. In cases of conflict between water-dependent uses, priority shall be given to uses which enhance renewable resources, water-borne commerce, and the navigational and biological capacity of the waters, and to statewide interests as distinguished from local interests.

(2) Nonwater-dependent use of state-owned aquatic lands is a low-priority use providing minimal public benefits and shall not be permitted to expand or be established in new areas except in exceptional circumstances where it is compatible with water-dependent uses occurring in or planned for the area.

(3) The department shall consider the natural values of state-owned aquatic lands as wildlife habitat, natural area preserve,

representative ecosystem, or spawning area prior to issuing any initial lease or authorizing any change in use. The department may withhold from leasing lands which it finds to have significant natural values, or may provide within any lease for the protection of such values. When withdrawing lands from leasing for the purposes of managing an aquatic reserve, the department shall be guided by the procedures and criteria of section 5 of this act.

(4) The power to lease state-owned aquatic lands is vested in the department, which has the authority to make leases upon terms, conditions, and length of time in conformance with the state Constitution and chapters 79.105 through 79.140 RCW.

(5) State-owned aquatic lands shall not be leased to persons or organizations which discriminate on the basis of race, color, creed, religion, sex, age, or physical or mental handicap.

NEW SECTION. **Sec. 5.** A new section is added to chapter 79.105 RCW under a new subchapter heading of "aquatic reserve system" to read as follows:

(1) The aquatic reserve system is established. The aquatic reserve system is comprised of those areas of state-owned aquatic lands designated by the department prior to the effective date of this section and any areas added to the system by order of the commissioner thereafter.

(2) State-owned aquatic lands that have one or more of the following characteristics may be included by order of the commissioner in the system as an aquatic reserve:

(a) The lands have been identified as having high priority for conservation, natural systems, wildlife, or low-impact public use values;

(b) The lands have flora, fauna, geological, recreational, archaeological, cultural, scenic, or similar features of critical importance and have retained to some degree or reestablished its natural character;

(c) The lands provide significant examples of native ecological communities;

(d) The lands have significant sites or features threatened with conversion to incompatible uses; and

(e) The lands have been identified by the Puget Sound science panel created in RCW 90.71.270 as critical to achieving recovery of Puget Sound by 2020.

(3)(a) The commissioner shall adopt procedures for submission of reserve nominations and for public participation in the review of proposed reserves.

(b) If, consistent with the best available scientific information, a reserve no longer meets the goals and objectives for which it was designated, and adaptive management has not been successful to meet the goals and objectives, the commissioner may by order modify the reserve boundaries or remove the area from reserve status. The commissioner shall provide public participation procedures for the proposals.

(4) In the designation and management of reserves within Puget Sound, as geographically defined in RCW 90.71.010, the commissioner shall be guided by the marine managed areas plan adopted under section 3 of this act. Within twenty-four months of the adoption of the marine managed areas plan under section 3 of this act, the department shall complete a review of existing management plans and pending reserve nominations for consistency with the guidelines and recommendations in the marine managed areas plan. The commissioner shall accord substantial weight to any recommendations provided by the Puget Sound partnership regarding the designation and management of reserves within Puget Sound.

(5) Where the commissioner determines that management of the taking of fish, shellfish, or wildlife within or adjacent to the reserve would enhance the objectives for which the reserve has been created, the commissioner shall request that the fish and wildlife commission act pursuant to section 6 of this act to adopt supporting rules.

(6) The aquatic reserve system must be coordinated with other marine managed areas and related regulatory programs. The department shall cooperate with other state agencies and local governments to manage state-owned aquatic lands consistently with the management of uses and activities in the same geographic areas by state parks, the department of fish and wildlife, the department of ecology, and other state agencies. The department shall also provide recommendations to local governments in updating their shoreline master programs and in sponsoring local marine park reserves or voluntary stewardship areas to seek consistent planning and management activities in areas adjacent to designated reserves.

(7) State agencies with authority over construction activities or water discharges in state waters or that otherwise implement programs that affect a designated reserve shall give special consideration to increasing protection and reducing and preventing pollution of these areas, consistent with the management objectives of the reserve.

NEW SECTION. **Sec. 6.** A new section is added to chapter 77.12 RCW to read as follows:

(1) The commission may adopt rules governing the taking of fish, shellfish, or wildlife within or adjacent to a designated aquatic reserve, or other marine managed areas. The commission shall give consideration within sixty days to any rule changes requested by the commissioner of public lands to support the purposes of an aquatic reserve designated by the department of natural resources under section 5 of this act.

(2) This section is in addition to and does not limit the commission's authority to establish rules governing the taking of fish, shellfish, or wildlife under any other authority.

NEW SECTION. **Sec. 7.** The Puget Sound partnership shall provide the plan required by section 3 of this act to the appropriate committees of the legislature by December 1, 2010, together with its recommendations for further policy legislation and budget recommendations to enhance Puget Sound marine managed areas programs.

Sec. 8. RCW 90.71.300 and 2007 c 341 s 12 are each amended to read as follows:

(1) The action agenda shall consist of the goals and objectives in this section, implementation strategies to meet measurable outcomes, benchmarks, ((~~and~~)) identification of responsible entities, and the marine managed areas plan adopted under section 3 of this act. By 2020, the action agenda shall strive to achieve the following goals:

(a) A healthy human population supported by a healthy Puget Sound that is not threatened by changes in the ecosystem;

(b) A quality of human life that is sustained by a functioning Puget Sound ecosystem;

(c) Healthy and sustaining populations of native species in Puget Sound, including a robust food web;

(d) A healthy Puget Sound where freshwater, estuary, nearshore, marine, and upland habitats are protected, restored, and sustained;

(e) An ecosystem that is supported by ground water levels as well as river and stream flow levels sufficient to sustain people, fish, and wildlife, and the natural functions of the environment;

(f) Fresh and marine waters and sediments of a sufficient quality so that the waters in the region are safe for drinking, swimming, shellfish harvest and consumption, and other human uses and enjoyment, and are not harmful to the native marine mammals, fish, birds, and shellfish of the region.

(2) The action agenda shall be developed and implemented to achieve the following objectives:

(a) Protect existing habitat and prevent further losses;

(b) Restore habitat functions and values;

(c) Significantly reduce toxics entering Puget Sound fresh and marine waters;

(d) Significantly reduce nutrients and pathogens entering Puget Sound fresh and marine waters;

(e) Improve water quality and habitat by managing storm water runoff;

(f) Provide water for people, fish and wildlife, and the environment;

(g) Protect ecosystem biodiversity and recover imperiled species; and

(h) Build and sustain the capacity for action.

Sec. 9. RCW 36.125.030 and 2007 c 344 s 4 are each amended to read as follows:

(1) The Puget Sound ((~~action team, or its successor organization.~~)) partnership shall serve as the regional coordinating entity for marine resources committees created in the southern Puget Sound and the department of fish and wildlife shall serve as the regional coordinating entity for marine resources committees created for the outer coast.

(2) The regional coordinating entity shall serve as a resource to, at a minimum:

(a) Coordinate and pool grant applications and other funding requests for marine resources committees;

(b) Coordinate communications and information among marine resources committees;

(c) Assist marine resources committees to measure themselves against regional performance benchmarks;

(d) Assist marine resources committees with coordinating local projects to complement regional priorities;

(e) Assist marine resources committees to interact with and complement other marine resources committees, and other similar groups, constituted under a different authority; and

(f) Coordinate with the Northwest Straits commission on issues common to marine resources committees statewide."

Correct the title.

Signed by Representatives Upthegrove, Chair; Rolfes, Vice Chair; Dickerson; Eickmeyer and O'Brien.

MINORITY recommendation: Do not pass. Signed by Representatives Sump, Ranking Minority Member; Kristiansen and Pearson.

Referred to Committee on Appropriations Subcommittee on General Government & Audit Review.

February 28, 2008

ESSB 6308 Prime Sponsor, Senate Committee on Water, Energy & Telecommunications: Preparing for and adapting to climate change. Reported by Committee on Ecology & Parks

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) While significant efforts to reduce the rate of climate change are underway in the state and throughout the nation, significant adverse impacts are likely inevitable over the course of the twenty-first century. Therefore it is in the public interest for Washington state to be actively working to both mitigate the effects of climate change as well as to prepare for the impacts that cannot be avoided. While the legislature in chapter 307, Laws of 2007, has adopted goals for reducing emissions of climate change gases, and work is underway to establish a comprehensive program to achieve these goals, there is not yet a comprehensive program to coordinate the research and information being compiled on localized impacts of climate change, and to assist local and state entities and the public generally in preparing for and adapting to such impacts.

(2) It is the purpose of this chapter to authorize a study that will recommend the elements of such a comprehensive program of climate change research, preparation, and adaptation.

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

(1) "Department" means the department of ecology.

(2) "Institute" means the joint institute for the study of the atmosphere and ocean, within the University of Washington.

(3) "Work groups" means preparation and adaptation working groups created under executive order 07-02 and other participants who may be added under section 4 of this act. All members of work groups must live in the state of Washington.

NEW SECTION. **Sec. 3.** (1) Not later than November 1, 2008, the department shall prepare a report and deliver it to the governor and the climate-related policy and fiscal committees of the senate and house of representatives. The report must contain the department's recommendations for the creation of a comprehensive climate change research, preparation, and adaptation program.

(2) The department shall develop the report required in subsection (1) of this section using the work groups efforts on public health, agriculture, the coast line, forestry, and infrastructure as a foundation, and include recommendations for specific steps to prepare for impacts to water resources and management, flood response, protection of ecosystems, and biodiversity, including the protection of threatened or endangered species and species of economic importance to the state.

(3) The report must include recommendations for at least the following:

(a) Criteria to establish state-funded research priorities;

(b) Methods to ensure data and information systems will be most effective for and accessible to relevant planning jurisdictions and the public generally;

(c) Delivering technical and financial assistance to and integrating data and analyses into state and local programs and planning;

(d) Funding that may be needed by local, regional, state, and other planning jurisdictions to incorporate climate change into their

planning processes, including requirements for such integration when receiving state funding;

(e) The range of time horizons and geographic scales to be addressed in climate impact research and analysis;

(f) Phasing in implementation of the program in the 2009-2011 biennium, including funding and legislation necessary to implement each component of this initial phase; and

(g) Any specific projects or pilot projects that the work groups and the institute have identified to ensure the state is adequately prepared for the impacts of climate change and the necessary funding for those projects or pilot projects.

(4) In developing the report required under subsection (1) of this section, the department shall, in consultation with the institute, use the comprehensive state climate change assessment prepared under section 404, chapter 348, Laws of 2007, and the reports prepared by the work groups. The department shall make both reports and the report required under subsection (1) of this section available to the public and ensure they are available on the department's web site or otherwise widely disseminated.

NEW SECTION. **Sec. 4.** In preparing the report required under section 3 of this act, the department shall consider if other private, public, or tribal interests who may be impacted by the recommendations of the report or by the specific impacts of climate change being considered by the work groups are represented and shall invite those interests to participate. The department shall include in its report a list of interests represented in the work groups and which interests were invited but did not participate. In order to allow for broad participation by all areas of the state, the department shall hold as many meetings as possible by teleconference, video conference, or other means that do not require travel. In the event that meetings are held so that interested parties may attend in person, the meetings shall alternate between eastern and western Washington.

NEW SECTION. **Sec. 5.** (1) The office of Washington state climatologist is created within the University of Washington.

(2) The office of Washington state climatologist consists of the director of the office, who is the state climatologist, and appropriate staff and administrative support as necessary to carry out the powers and duties of the office as enumerated in this section.

(3) The director of the office must be appointed by the president of the University of Washington.

(4) The office of Washington state climatologist has the following powers and duties:

(a) To serve as a credible and expert source of climate and weather information for state and local decision makers and agencies working on drought, flooding, climate change, and other related issues;

(b) To gather and disseminate, and where practicable archive, in the most cost-effective manner possible, all climate and weather information that is or could be of value to policy and decision makers in the state;

(c) To act as the representative of the state in all climatological and meteorological matters, both within and outside of the state, when requested by the legislative or executive branches of the state government;

(d) To prepare, publish, and disseminate climate summaries for those individuals, agencies, and organizations whose activities are related to the welfare of the state and are affected by climate and weather;

(e) To supply critical information for drought preparedness and emergency response as needed to implement the state's drought contingency response plan maintained by the department under RCW 43.83B.410, and to serve as a member of the state's drought water supply and emergency response committees as may be formed in response to a drought event;

(f) To conduct and report on studies of climate and weather phenomena of significant socioeconomic importance to the state; and

(g) To evaluate the significance of natural and man-made changes in important features of the climate affecting the state, and to report this information to those agencies and organizations in the state who are likely to be affected by these changes. Natural changes include, but are not limited to, estimated annual amounts of greenhouse gases emitted during in-state volcanic and forest fire events.

NEW SECTION. **Sec. 6.** (1) Sections 1 through 5 of this act constitute a new chapter in Title 70 RCW.

(2) If chapter --- (Engrossed Second Substitute House Bill No. 2815), Laws of 2008 becomes law and is codified as a new chapter in Title 70 RCW, sections 1 through 5 of this act shall be codified in the same new chapter in Title 70 RCW."

Correct the title.

Signed by Representatives Upthegrove, Chair; Rolfes, Vice Chair; Dickerson; Dunshee and O'Brien.

MINORITY recommendation: Do not pass. Signed by Representatives Sump, Ranking Minority Member; Kristiansen and Pearson.

Referred to Committee on Appropriations.

February 28, 2008

SB 6313 Prime Sponsor, Senator McAuliffe: Recognizing disability history in the public education system. Reported by Committee on Appropriations Subcommittee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) While significant efforts to reduce the rate of climate change are underway in the state and throughout the nation, significant adverse impacts are likely inevitable over the course of the twenty-first century. Therefore it is in the public interest for Washington state to be actively working to both mitigate the effects of climate change as well as to prepare for the impacts that cannot be avoided. While the legislature in chapter 307, Laws of 2007, has adopted goals for reducing emissions of climate change gases, and work is underway to establish a comprehensive program to achieve these goals, there is not yet a comprehensive program to coordinate the research and information being compiled on localized impacts of climate change, and to assist local and state entities and the public generally in preparing for and adapting to such impacts.

(2) It is the purpose of this chapter to authorize a study that will recommend the elements of such a comprehensive program of climate change research, preparation, and adaptation.

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

(1) "Department" means the department of ecology.

(2) "Institute" means the joint institute for the study of the atmosphere and ocean, within the University of Washington.

(3) "Work groups" means preparation and adaptation working groups created under executive order 07-02 and other participants who may be added under section 4 of this act. All members of work groups must live in the state of Washington.

NEW SECTION. **Sec. 3.** (1) Not later than November 1, 2008, the department shall prepare a report and deliver it to the governor and the climate-related policy and fiscal committees of the senate and house of representatives. The report must contain the department's recommendations for the creation of a comprehensive climate change research, preparation, and adaptation program.

(2) The department shall develop the report required in subsection (1) of this section using the work groups efforts on public health, agriculture, the coast line, forestry, and infrastructure as a foundation, and include recommendations for specific steps to prepare for impacts to water resources and management, flood response, protection of ecosystems, and biodiversity, including the protection of threatened or endangered species and species of economic importance to the state.

(3) The report must include recommendations for at least the following:

(a) Criteria to establish state-funded research priorities;

(b) Methods to ensure data and information systems will be most effective for and accessible to relevant planning jurisdictions and the public generally;

(c) Delivering technical and financial assistance to and integrating data and analyses into state and local programs and planning;

(d) Funding that may be needed by local, regional, state, and other planning jurisdictions to incorporate climate change into their planning processes, including requirements for such integration when receiving state funding;

(e) The range of time horizons and geographic scales to be addressed in climate impact research and analysis;

(f) Phasing in implementation of the program in the 2009-2011 biennium, including funding and legislation necessary to implement each component of this initial phase; and

(g) Any specific projects or pilot projects that the work groups and the institute have identified to ensure the state is adequately prepared for the impacts of climate change and the necessary funding for those projects or pilot projects.

(4) In developing the report required under subsection (1) of this section, the department shall, in consultation with the institute, use the comprehensive state climate change assessment prepared under section 404, chapter 348, Laws of 2007, and the reports prepared by the work groups. The department shall make both reports and the report required under subsection (1) of this section available to the public and ensure they are available on the department's web site or otherwise widely disseminated.

NEW SECTION. **Sec. 4.** In preparing the report required under section 3 of this act, the department shall consider if other private, public, or tribal interests who may be impacted by the recommendations of the report or by the specific impacts of climate change being considered by the work groups are represented and shall invite those interests to participate. The department shall include in its report a list of interests represented in the work groups and which interests were invited but did not participate. In order to allow for broad participation by all areas of the state, the department shall hold as many meetings as possible by teleconference, video conference, or other means that do not require travel. In the event that meetings are held so that interested parties may attend in person, the meetings shall alternate between eastern and western Washington.

NEW SECTION. **Sec. 5.** (1) The office of Washington state climatologist is created within the University of Washington.

(2) The office of Washington state climatologist consists of the director of the office, who is the state climatologist, and appropriate staff and administrative support as necessary to carry out the powers and duties of the office as enumerated in this section.

(3) The director of the office must be appointed by the president of the University of Washington.

(4) The office of Washington state climatologist has the following powers and duties:

(a) To serve as a credible and expert source of climate and weather information for state and local decision makers and agencies working on drought, flooding, climate change, and other related issues;

(b) To gather and disseminate, and where practicable archive, in the most cost-effective manner possible, all climate and weather information that is or could be of value to policy and decision makers in the state;

(c) To act as the representative of the state in all climatological and meteorological matters, both within and outside of the state, when requested by the legislative or executive branches of the state government;

(d) To prepare, publish, and disseminate climate summaries for those individuals, agencies, and organizations whose activities are related to the welfare of the state and are affected by climate and weather;

(e) To supply critical information for drought preparedness and emergency response as needed to implement the state's drought contingency response plan maintained by the department under RCW 43.83B.410, and to serve as a member of the state's drought water supply and emergency response committees as may be formed in response to a drought event;

(f) To conduct and report on studies of climate and weather phenomena of significant socioeconomic importance to the state; and

(g) To evaluate the significance of natural and man-made changes in important features of the climate affecting the state, and to report this information to those agencies and organizations in the state who are likely to be affected by these changes. Natural changes include, but are not limited to, estimated annual amounts of greenhouse gases emitted during in-state volcanic and forest fire events.

NEW SECTION. **Sec. 6.** (1) Sections 1 through 5 of this act constitute a new chapter in Title 70 RCW.

(2) If chapter --- (Engrossed Second Substitute House Bill No. 2815), Laws of 2008 becomes law and is codified as a new chapter in Title 70 RCW, sections 1 through 5 of this act shall be codified in the same new chapter in Title 70 RCW."

Correct the title.

Signed by Representatives Haigh, Chair; Sullivan, Vice Chair; Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Barlow; Crouse;

Fromhold; Haler; Herrera; Hunter; Jarrett; Kagi; Kenney; Ormsby; Quall; Seaquist; Springer and Wallace.

Passed to Committee on Rules for second reading.

February 27, 2008

SSB 6337 Prime Sponsor, Senate Committee on Natural Resources, Ocean & Recreation: Regarding the state's management of the Puget Sound commercial salmon fishery. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Eickmeyer; Grant; Lantz; Loomis; McCoy; Nelson and Newhouse.

MINORITY recommendation: Do not pass. Signed by Representatives Van De Wege, Vice Chair; and Orcutt.

Passed to Committee on Rules for second reading.

February 27, 2008

SSB 6343 Prime Sponsor, Senate Committee on Natural Resources, Ocean & Recreation: Creating a pilot program to examine the impacts of small scale mineral prospecting on coastal areas. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Van De Wege, Vice Chair; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Eickmeyer; Grant; Lantz; Loomis; McCoy; Nelson; Newhouse and Orcutt.

Passed to Committee on Rules for second reading.

February 26, 2008

SSB 6367 Prime Sponsor, Senate Committee on Human Services & Corrections: Changing provisions relating to child protective services investigations. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: Do pass as amended.

On page 5, line 27, after "(12)" strike "(a)"

On page 5, line 29, after "law." insert "In all cases in which the department is investigating or responding to allegations of child sexual abuse, the department shall conduct background checks as authorized in state and federal law."

On page 5, beginning on line 30, strike all material through "offender." on line 34

On page 11, line 22, after "(13)" strike "(a)"

On page 5, line 24, after "law." insert "In all cases in which the department is investigating or responding to allegations of child sexual abuse, the department shall conduct background checks as authorized in state and federal law."

On page 11, beginning on line 25, strike all material through "offender." on line 28

On page 12, beginning on line 7, strike all of section 3

Renumber the remaining sections consecutively and correct the title.

Signed by Representatives Kagi, Chair; Roberts, Vice Chair; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Goodman; Hinkle and Pettigrew.

Passed to Committee on Rules for second reading.

February 27, 2008

ESSB 6371 Prime Sponsor, Senate Committee on Higher Education: Regarding tuition and fee waivers for veterans' families. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended.

On page 2, beginning on line 10, after "section" strike "and the limitations in RCW 28B.15.910"

On page 4, after line 2, insert the following:

"(10) The governing boards of the state universities, the regional universities, The Evergreen State College, and the community colleges shall report to the higher education committees of the legislature by November 15, 2010, and every two years thereafter, regarding the status of implementation of the waivers under subsection (4) of this section. The reports shall include the following data and information:

(a) Total number of waivers;

(b) Total amount of tuition waived;

(c) Total amount of fees waived;

(d) Average amount of tuition and fees waived per recipient;

(e) Recipient demographic data that is disaggregated by distinct ethnic categories within racial subgroups; and

(f) Recipient income level, to the extent possible."

On page 4, beginning on line 10, strike all of section 3

Correct the title.

Signed by Representatives Wallace, Chair; Sells, Vice Chair; Anderson, Ranking Minority Member; Hankins; Hasegawa; McIntire; Roberts; Schmick and Sommers.

Passed to Committee on Rules for second reading.

February 28, 2008

2SSB 6377 Prime Sponsor, Senate Committee on Ways & Means: Regarding secondary career and technical education. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that many secondary career and technical education programs have made progress in retooling for the twenty-first century by aligning with state and nationally certified programs that meet industry standards and by increasing the rigor of academic content in core skills such as reading, writing, mathematics, and science.

(2) However, the legislature also finds that increased expectations for students to meet the state's academic learning standards require students to take remedial courses. The state board of education is considering increasing credit requirements for high school graduation. Together these policies could restrict students from pursuing high quality career and technical education programs because students would not have adequate time in their schedules to enroll in a progressive sequence of career and technical courses.

(3) The legislature further finds that teachers, counselors, students, and parents are not well-informed about the opportunities presented by high quality career and technical education. Secondary career and technical education is not a stopping point but a beginning point for further education, including through a bachelor's degree. Secondary preapprenticeships and courses aligned to industry standards can lead directly to workforce entry as well as to additional education. Career and technical education is a proven strategy to engage and motivate students, including students at risk of dropping out of school entirely.

(4) Finally, the legislature finds that state policies have been piecemeal in support of career and technical education. Laws exist to require state approval of career and technical programs, but could be strengthened by requiring alignment with industry standards and focusing on high-demand fields. Tech prep consortia have developed articulation agreements for dual credit and smooth transitions between high schools and colleges, but agreements remain highly decentralized between individual faculty and individual schools. Laws require school districts to create equivalences between academic and career and technical courses, but more support and professional development is needed to expand these opportunities.

(5) Therefore it is the legislature's intent to identify the gaps in current laws and policies regarding secondary career and technical education and fill those gaps in a comprehensive fashion to create a coherent whole. This act seeks to increase the quality and rigor of secondary career and technical education, improve links to postsecondary education, encourage and facilitate academic instruction through career and technical courses, and expand access to and awareness of the opportunities offered by high quality career and technical education.

PART I
QUALITY, RIGOR, AND LINKS
TO POSTSECONDARY EDUCATION

Sec. 101. RCW 28C.04.100 and 2001 c 336 s 2 are each amended to read as follows:

(1) To ensure high quality career and technical programs, the office of the superintendent of public instruction shall periodically review and approve the plans of local districts for the delivery of career and technical education. Standards for career and technical programs shall be established by the office of the superintendent of public instruction. ((~~These standards should.~~)) The office of the superintendent of public instruction shall develop a schedule for career and technical education plan reapproval under this section that includes an abbreviated review process for programs reapproved after 2005, but before the effective date of this section. All school district career and technical education programs must meet the requirements of this section by August 31, 2010.

(2) To receive approval, school district plans must:

(a) Demonstrate how career and technical education programs will ensure academic rigor; align with the state's education reform requirements; help address the skills gap of Washington's economy; and maintain strong relationships with local career and technical education advisory councils for the design and delivery of career and technical education; ((~~and~~))

(b) Demonstrate a strategy to align the five-year planning requirement under the federal Carl Perkins act with the state and district ((~~vocational~~)) career and technical program planning requirements that include:

(i) An assessment of equipment and technology needs to support the skills training of technical students;

(ii) An assessment of industry internships required for teachers to ensure the ability to prepare students for industry-defined standards or certifications, or both;

(iii) An assessment of the costs of supporting job shadows, mentors, community service and industry internships, and other activities for student learning in the community; ((~~and~~))

(iv) A description of the leadership activities to be provided for technical education students; and

(v) Annual local school board approval;

(c) Demonstrate that all preparatory career and technical education courses offered by the district meet the requirements of RCW 28C.04.110 (as recodified by this act);

(d) Demonstrate progress toward meeting or exceeding the targets established under section 104 of this act of an increased number of career and technical programs in high-demand fields; and

(e) Demonstrate that approved career and technical programs maximize opportunities for students to earn dual credit for high school and college.

(((~~(2)~~))) (3) To ensure high quality career education programs and services in secondary schools, the office of the superintendent of public instruction may provide technical assistance to local districts and develop state guidelines for the delivery of career guidance in secondary schools.

(((~~(3)~~))) (4) To ensure leadership development, the staff of the office of the superintendent of public instruction may serve as the state advisors to Washington state FFA, Washington future business leaders of America, Washington DECA, Washington ((~~SkillsUSA-VICA~~)) SkillsUSA, Washington family, career and community leaders, and Washington technology students association, and any additional career or technical student organizations that are formed. Working with the directors or executive secretaries of these organizations, the office of the superintendent of public instruction may develop tools for the coordination of leadership activities with the curriculum of technical education programs.

(((~~(4)~~))) (5) As used in this section, "career and technical education" means a planned program of courses and learning experiences that begins with exploration of career options; supports basic academic and life skills; and enables achievement of high academic standards, leadership, options for high skill, high wage employment preparation, and advanced and continuing education.

NEW SECTION. **Sec. 102.** (1) The office of the superintendent of public instruction, in consultation with the workforce training and education coordinating board, the Washington state apprenticeship and training council, and the state board for community and technical colleges, shall develop a list of statewide high-demand programs for secondary career and technical education. The list shall be developed using the high-demand list maintained by workforce development councils in consultation with the employment security department, the high employer demand programs of study identified by the workforce training and education coordinating board, and the high employer demand programs of study identified by the higher education coordinating board. Local school districts may recommend additional high-demand programs in consultation with local career and technical education advisory committees by submitting evidence of local high demand.

(2) As used in this section and in sections 104, 105, 107, and 307 of this act:

(a) "High-demand program" means a career and technical education program that prepares students for either a high employer demand program of study or a high-demand occupation, or both.

(b) "High employer demand program of study" means an apprenticeship or an undergraduate or graduate certificate or degree program in which the number of students per year prepared for employment from in-state programs is substantially fewer than the number of projected job openings per year in that field, either statewide or in a substate region.

(c) "High-demand occupation" means an occupation with a substantial number of current or projected employment opportunities.

Sec. 103. RCW 28C.04.110 and 2006 c 115 s 2 are each amended to read as follows:

((~~The superintendent of public instruction shall develop a list of approved career and technical education programs that qualify for the objective alternative assessment for career and technical students developed under RCW 28A.655.065. Programs on the list~~)) All approved preparatory secondary career and technical education programs must meet the following minimum criteria:

(1) Either:

(a) Lead to a certificate or credential that is state or nationally recognized by trades, industries, or other professional associations as necessary for employment or advancement in that field; or

(b) Allow students to earn dual credit for high school and college through tech prep, advanced placement, or other agreements or programs;

(2) ((~~Require~~)) Be comprised of a sequenced progression of multiple courses((~~, both exploratory and preparatory,~~)) that are ((~~vocationally~~)) technically intensive and rigorous; and

(3) ((~~Have a high potential for providing the program completer with gainful employment or~~)) Lead to workforce entry ((~~into a~~)), state or nationally approved apprenticeships, or postsecondary ((~~workforce training program~~)) education in a related field.

NEW SECTION. **Sec. 104.** (1) The office of the superintendent of public instruction shall establish performance measures and targets and monitor the performance of career and technical education programs in at least the following areas:

(a) Student participation in and completion of high-demand programs as identified under section 102 of this act;

(b) Students earning dual credit for high school and college; and

(c) Performance measures and targets established by the workforce training and education coordinating board, including but not limited to student academic and technical skill attainment, graduation rates, postgraduation employment or enrollment in postsecondary education, and other measures and targets as required by the federal Carl Perkins act, as amended.

(2) If a school district fails to meet the performance targets established under this section, the office of the superintendent of public instruction may require the district to submit an improvement plan. If a district fails to implement an improvement plan or continues to fail to meet the performance targets for three consecutive years, the office of the superintendent of public instruction may use this failure as the basis to deny the approval or reapproval of one or more of the district's career and technical education programs.

NEW SECTION. **Sec. 105.** Subject to funds appropriated for this purpose, the office of the superintendent of public instruction shall allocate grants to middle schools, high schools, or skill centers, to develop or upgrade high-demand career and technical education programs as identified under section 102 of this act. Grant funds shall be allocated on a one-time basis and may be used to purchase or improve curriculum, create preapprenticeship programs, upgrade technology and equipment to meet industry standards, and for other purposes intended to initiate a new program or improve the rigor and quality of a high-demand program. Priority in allocating the funds shall be given to programs that are also considered high cost due to the types of technology and equipment necessary to maintain industry certification. Priority shall also be given to programs considered in most high demand in the state or applicable region.

Sec. 106. 2007 c 399 s 3 (uncodified) is amended to read as follows:

(1) The funding structure alternatives developed by the joint task force under section 2 of this act shall take into consideration the legislative priorities in this section, to the maximum extent possible and as appropriate to each formula.

(2) The funding structure should reflect the most effective instructional strategies and service delivery models and be based on research-proven education programs and activities with demonstrated cost benefits. In reviewing the possible strategies and models to include in the funding structure the task force shall, at a minimum, consider the following issues:

(a) Professional development for all staff;

(b) Whether the compensation system for instructional staff shall include pay for performance, knowledge, and skills elements; regional cost-of-living elements; elements to recognize assignments that are difficult; recognition for the professional teaching level certificate in the salary allocation model; and a plan to implement the pay structure;

(c) Voluntary all-day kindergarten;

(d) Optimum class size, including different class sizes based on grade level and ways to reduce class size;

(e) Focused instructional support for students and schools;

(f) Extended school day and school year options; ((~~and~~))

(g) Health and safety requirements; and

(h) Staffing ratios and other components needed to support career and technical education programs.

(3) The recommendations should provide maximum transparency of the state's educational funding system in order to better help parents, citizens, and school personnel in Washington understand how their school system is funded.

(4) The funding structure should be linked to accountability for student outcomes and performance.

NEW SECTION. **Sec. 107.** (1) The office of the superintendent of public instruction, the workforce training and education coordinating board, the state board for community and technical colleges, the higher education coordinating board, and the council of presidents shall work with local school districts, workforce education programs in colleges, tech prep consortia, and four-year institutions of higher education to develop model career and technical education programs of study as described by this section.

(2) Career and technical education programs of study:

(a) Incorporate secondary and postsecondary education elements;

(b) Include coherent and rigorous academic content aligned with state learning standards and relevant career and technical content in a coordinated, nonduplicative progression of courses that are aligned with postsecondary education in a related field;

(c) Include opportunities for students to earn dual high school and college credit; and

(d) Lead to an industry-recognized credential or certificate at the postsecondary level, or an associate or baccalaureate degree.

(3) During the 2008-09 school year, model career and technical education programs of study shall be developed for the following high-demand programs: Construction, health care, and information technology. Each school year thereafter, the office of the superintendent of public instruction, the state board for community and technical colleges, the higher education coordinating board, and the workforce training and education coordinating board shall select additional programs of study to develop, with a priority on high-demand programs as identified under section 102 of this act.

NEW SECTION. **Sec. 108.** A new section is added to chapter 28B.50 RCW to read as follows:

(1) It is the legislature's intent to recognize and support the work of community and technical colleges, high schools, and skill centers in creating articulation and dual credit agreements for career and technical education students, in part by codifying current practice.

(2) Community and technical colleges shall create agreements with high schools and skill centers to offer dual high school and college credit for secondary career and technical courses. Agreements shall be subject to approval by the chief instructional officer of the college and the principal and the career and technical education director of the high school or the executive director of the skill center.

(3) Community and technical colleges may create dual credit agreements with high schools and skill centers that are located outside the college district boundary or service area.

(4) If a community or technical college has created an agreement with a high school or skill center to offer college credit for a secondary career and technical course, all community and technical colleges shall accept the course for an equal amount of college credit.

PART II
ACADEMIC INSTRUCTION THROUGH
CAREER AND TECHNICAL EDUCATION

NEW SECTION. **Sec. 201.** (1) The office of the superintendent of public instruction shall support school district efforts under RCW 28A.230.097 to adopt course equivalencies for career and technical courses by:

(a) Recommending career and technical curriculum suitable for course equivalencies;

(b) Publicizing best practices for high schools and school districts in developing and adopting course equivalencies; and

(c) In consultation with the Washington association for career and technical education, providing professional development, technical assistance, and guidance for school districts seeking to expand their lists of equivalent courses.

(2) The office of the superintendent of public instruction shall provide professional development, technical assistance, and guidance for school districts to develop career and technical course equivalencies that also qualify as advanced placement courses.

(3) Subject to funds appropriated for this purpose, the office of the superintendent of public instruction shall allocate grant funds to school districts to increase the integration and rigor of academic instruction in career and technical courses. Grant recipients are encouraged to use grant funds to support teams of academic and technical teachers using a research-based professional development model supported by the national research center for career and technical education. The office of the superintendent of public instruction may require that grant recipients provide matching resources using federal Carl Perkins funds or other fund sources.

Sec. 202. RCW 28A.230.097 and 2006 c 114 s 2 are each amended to read as follows:

(1) Each high school or school district board of directors shall adopt course equivalencies for career and technical high school courses offered to students ((~~at the~~)) in high schools and skill centers. A career and technical course equivalency may be for whole or partial credit. Each school district board of directors shall develop a course equivalency approval procedure.

(2) Career and technical courses determined to be equivalent to academic core courses, in full or in part, by the high school or school district shall be accepted as meeting core requirements, including graduation requirements, if the courses are recorded on the student's transcript using the equivalent academic high school department designation and title. Full or partial credit shall be recorded as appropriate. The high school or school district shall also issue and keep record of course completion certificates that demonstrate that the career and technical courses were successfully completed as needed for industry certification, college credit, or preapprenticeship, as applicable. The certificate shall be either part of the student's high school and beyond plan or the student's culminating project, as determined by the student. The office of the superintendent of public instruction shall develop and make available electronic samples of certificates of course completion.

NEW SECTION. **Sec. 203.** A new section is added to chapter 28A.245 RCW to read as follows:

Skill centers may enter into agreements with one or more cooperating school districts to grant a high school diploma on behalf of the district so that students who are juniors and seniors have an opportunity to attend the skill center on a full-time basis without coenrollment at a district high school. To avoid competition with other high schools in the cooperating district, high school completion programs operated by skill centers shall be designed as dropout prevention and retrieval programs for at-risk and credit-deficient students or for fifth-year seniors. A skill center may use grant awards

from the building bridges program under RCW 28A.175.025 to develop high school completion programs as provided in this section.

NEW SECTION. **Sec. 204.** (1) Subject to funds appropriated for this purpose, the secondary integrated basic education and skills training (I-BEST) pilot project is created to integrate career and technical instruction, core academic and basic skills, and English as a second language, for secondary school students. The objective of the pilot project is to determine whether and how a successful community and technical college instructional model can be adapted and implemented at a secondary school level.

(2) The goal of secondary I-BEST is to enable and motivate secondary students who are struggling with language and academic skills to earn a high school diploma and be prepared for workforce entry or further education and training in a career and technical field. Under the pilot project, academic, career and technical, and English-as-a second-language teachers shall provide instruction through team and coteaching. Course content shall be integrated across the three domains of career and technical, academic, and language.

(3) The office of the superintendent of public instruction shall allocate pilot project grants to high schools or skill centers on a competitive basis. Grants are for a three-year period. The office of the superintendent of public instruction shall work with the state board for community and technical colleges, grant recipients, and the Washington State University social and economic sciences research center to design and implement an evaluation of the pilot project that includes comparisons of gains in achievement for students in the project compared to other similar students. A report on the pilot project and results of the evaluation shall be submitted to the governor and the education and fiscal committees of the legislature by December 1, 2011.

(4) The state board for community and technical colleges shall provide technical assistance and advice to the office of the superintendent of public instruction and the pilot project regarding best practices for I-BEST, including program design, professional development, assessment, and evaluation. The state board shall also designate one or more community or technical colleges with exemplary postsecondary I-BEST programs to serve as mentors for the pilot project.

(5) This section expires June 30, 2012.

Sec. 205. RCW 28A.655.065 and 2007 c 354 s 6 are each amended to read as follows:

(1) The legislature has made a commitment to rigorous academic standards for receipt of a high school diploma. The primary way that students will demonstrate that they meet the standards in reading, writing, mathematics, and science is through the Washington assessment of student learning. Only objective assessments that are comparable in rigor to the state assessment are authorized as an alternative assessment. Before seeking an alternative assessment, the legislature expects students to make a genuine effort to meet state standards, through regular and consistent attendance at school and participation in extended learning and other assistance programs.

(2) Under RCW 28A.655.061, beginning in the 2006-07 school year, the superintendent of public instruction shall implement objective alternative assessment methods as provided in this section for students to demonstrate achievement of the state standards in content areas in which the student has not yet met the standard on the high school Washington assessment of student learning. A student may access an alternative if the student meets applicable eligibility criteria in RCW 28A.655.061 and this section and other eligibility criteria established by the superintendent of public instruction, including but not limited to attendance criteria and participation in the remediation or supplemental instruction contained in the student learning plan developed under RCW 28A.655.061. A school district may waive attendance and/or remediation criteria for special, unavoidable circumstances.

(3) For the purposes of this section, "applicant" means a student seeking to use one of the alternative assessment methods in this section.

(4) One alternative assessment method shall be a combination of the applicant's grades in applicable courses and the applicant's highest score on the high school Washington assessment of student learning, as provided in this subsection. A student is eligible to apply for the alternative assessment method under this subsection (4) if the student has a cumulative grade point average of at least 3.2 on a four point grading scale. The superintendent of public instruction shall determine which high school courses are applicable to the alternative assessment method and shall issue guidelines to school districts.

(a) Using guidelines prepared by the superintendent of public instruction, a school district shall identify the group of students in the same school as the applicant who took the same high school courses as the applicant in the applicable content area. From the group of students identified in this manner, the district shall select the comparison cohort that shall be those students who met or slightly exceeded the state standard on the Washington assessment of student learning.

(b) The district shall compare the applicant's grades in high school courses in the applicable content area to the grades of students in the comparison cohort for the same high school courses. If the applicant's grades are equal to or above the mean grades of the comparison cohort, the applicant shall be deemed to have met the state standard on the alternative assessment.

(c) An applicant may not use the alternative assessment under this subsection (4) if there are fewer than six students in the comparison cohort.

(5) The superintendent of public instruction shall develop an alternative assessment method that shall be an evaluation of a collection of work samples prepared and submitted by the applicant((~~, as provided in this subsection and, for career and technical applicants, the additional requirements of subsection (6) of this section~~)).

(a) The superintendent of public instruction shall develop guidelines for the types and number of work samples in each content area that may be submitted as a collection of evidence that the applicant has met the state standard in that content area. Work samples may be collected from academic, career and technical, or remedial courses and may include performance tasks as well as written products. The superintendent shall submit the guidelines for approval by the state board of education.

(b) The superintendent shall develop protocols for submission of the collection of work samples that include affidavits from the applicant's teachers and school district that the samples are the work of the applicant and a requirement that a portion of the samples be prepared under the direct supervision of a classroom teacher. The superintendent shall submit the protocols for approval by the state board of education.

(c) The superintendent shall develop uniform scoring criteria for evaluating the collection of work samples and submit the scoring criteria for approval by the state board of education. Collections shall be scored at the state level or regionally by a panel of educators selected and trained by the superintendent to ensure objectivity, reliability, and rigor in the evaluation. An educator may not score

work samples submitted by applicants from the educator's school district. If the panel awards an applicant's collection of work samples the minimum required score, the applicant shall be deemed to have met the state standard on the alternative assessment.

(d) Using an open and public process that includes consultation with district superintendents, school principals, and other educators, the state board of education shall consider the guidelines, protocols, scoring criteria, and other information regarding the collection of work samples submitted by the superintendent of public instruction. The collection of work samples may be implemented as an alternative assessment after the state board of education has approved the guidelines, protocols, and scoring criteria and determined that the collection of work samples: (i) Will meet professionally accepted standards for a valid and reliable measure of the grade level expectations and the essential academic learning requirements; and (ii) is comparable to or exceeds the rigor of the skills and knowledge that a student must demonstrate on the Washington assessment of student learning in the applicable content area. The state board shall make an approval decision and determination no later than December 1, 2006, and thereafter may increase the required rigor of the collection of work samples.

(e) By September of 2006, the superintendent of public instruction shall develop informational materials for parents, teachers, and students regarding the collection of work samples and the status of its development as an alternative assessment method. The materials shall provide specific guidance regarding the type and number of work samples likely to be required, include examples of work that meets the state learning standards, and describe the scoring criteria and process for the collection. The materials shall also encourage students in the graduating class of 2008 to begin creating a collection if they believe they may seek to use the collection once it is implemented as an alternative assessment.

(6)(a) For students enrolled in a career and technical education program approved under RCW 28C.04.110 (as recodified by this act), the superintendent of public instruction shall develop additional guidelines for ((~~a~~)) collections of work samples that ((~~evidences that the collection:~~

~~(i) Is relevant to the student's particular career and technical program;~~

~~(ii) Focuses on the application of academic knowledge and skills within the program;~~

~~(iii) Includes completed activities or projects where demonstration of academic knowledge is inferred; and~~

~~(iv) Is related to the essential academic learning requirements and state standards that students must meet to earn a certificate of academic achievement or certificate of individual achievement, but also represents the knowledge and skills that successful individuals in the career and technical field of the approved program are expected to possess.~~

~~(b) To meet the state standard on the alternative assessment under this subsection (6), an applicant must also attain the state or nationally recognized certificate or credential associated with the approved career and technical program~~)) are tailored to different career and technical programs. The additional guidelines shall:

(i) Provide multiple examples of work samples that are related to the particular career and technical program;

(ii) Permit work samples based on completed activities or projects where demonstration of academic knowledge is inferred; and

(iii) Provide multiple examples of work samples drawn from career and technical courses.

(b) The purpose of the additional guidelines is to provide a clear pathway toward a certificate of academic achievement for career and technical students by showing them applied and relevant opportunities to demonstrate their knowledge and skills, and to provide guidance to teachers in integrating academic and career and technical instruction and assessment and assisting career and technical students in compiling a collection. The superintendent of public instruction shall develop and disseminate additional guidelines for no fewer than ten career and technical education programs representing a variety of program offerings by no later than September 1, 2008. Guidelines for ten additional programs shall be developed and disseminated no later than June 1, 2009.

(c) The superintendent shall consult with community and technical colleges, employers, the workforce training and education coordinating board, apprenticeship programs, and other regional and national experts in career and technical education to create ((~~an~~)) appropriate ((~~collection~~)) guidelines and examples of work samples and other evidence of a career and technical student's knowledge and skills on the state academic standards.

(7) The superintendent of public instruction shall study the feasibility of using existing mathematics assessments in languages other than English as an additional alternative assessment option. The study shall include an estimation of the cost of translating the tenth grade mathematics assessment into other languages and scoring the assessments should they be implemented.

(8) The superintendent of public instruction shall implement:

(a) By June 1, 2006, a process for students to appeal the score they received on the high school assessments; and

(b) By January 1, 2007, guidelines and appeal processes for waiving specific requirements in RCW 28A.655.061 pertaining to the certificate of academic achievement and to the certificate of individual achievement for students who: (i) Transfer to a Washington public school in their junior or senior year with the intent of obtaining a public high school diploma, or (ii) have special, unavoidable circumstances.

(9) The state board of education shall examine opportunities for additional alternative assessments, including the possible use of one or more standardized norm-referenced student achievement tests and the possible use of the reading, writing, or mathematics portions of the ACT ASSET and ACT COMPASS test instruments as objective alternative assessments for demonstrating that a student has met the state standards for the certificate of academic achievement. The state board shall submit its findings and recommendations to the education committees of the legislature by January 10, 2008.

(10) The superintendent of public instruction shall adopt rules to implement this section.

PART III
EXPANDING ACCESS AND AWARENESS

NEW SECTION. **Sec. 301.** (1) Subject to funds appropriated for this purpose, the office of the superintendent of public instruction shall develop and conduct an ongoing campaign for career and technical education to increase awareness among teachers, counselors, students, parents, principals, school administrators, and the general public about the opportunities offered by rigorous career and technical education programs. Messages in the campaign shall emphasize career and technical education as a high quality educational pathway for students, including for students who seek advanced education that includes a bachelor's degree or beyond. In particular, the office shall provide information about the following:

(a) The model career and technical education programs of study developed under section 107 of this act;

(b) Career and technical education course equivalencies and dual credit for high school and college;

(c) The career and technical education alternative assessment guidelines under RCW 28A.655.065;

(d) The availability of scholarships for postsecondary workforce education, including the Washington award for vocational excellence, and apprenticeships through the opportunity grant program under RCW 28B.50.271, grants under section 302 of this act, and other programs; and

(e) Education, apprenticeship, and career opportunities in emerging and high-demand programs.

(2) The office shall use multiple strategies in the campaign depending on available funds, including developing an interactive web site to encourage and facilitate career exploration; conducting training and orientation for guidance counselors and teachers; and developing and disseminating printed materials.

(3) The office shall seek advice, participation, and financial assistance from the workforce training and education coordinating board, higher education institutions, foundations, employers, apprenticeship and training councils, workforce development councils, and business and labor organizations for the campaign.

NEW SECTION. **Sec. 302.** (1) Subject to funds appropriated for this purpose, the office of the superintendent of public instruction shall provide grants to eligible students to offset the costs of required examination or testing fees associated with obtaining state or industry certification in the student's career and technical education program.

(2) The office shall establish maximum grant amounts and a process for students to apply for the grants.

(3) For the purposes of this section, "eligible student" means:

(a) A student enrolled in a secondary career and technical education program where state or industry certification can be obtained without additional postsecondary work or study; or

(b) A student who completed a secondary career and technical education program in a Washington public school and is seeking state or industry certification in a program requiring additional postsecondary work or study or where there are age limitations on certification.

(4) Eligible students must have a family income that is at or below two hundred percent of the federal poverty level using the most current guidelines available from the United States department of health and human services.

Sec. 303. RCW 28A.600.045 and 2006 c 117 s 2 are each amended to read as follows:

(1) The legislature encourages each middle school, junior high school, and high school to implement a comprehensive guidance and planning program for all students. The purpose of the program is to support students as they navigate their education and plan their future; encourage an ongoing and personal relationship between each student and an adult in the school; and involve parents in students' educational decisions and plans.

(2) A comprehensive guidance and planning program is a program that contains at least the following components:

(a) A curriculum intended to provide the skills and knowledge students need to select courses, explore options, plan for their future, and take steps to implement their plans. The curriculum may include such topics as analysis of students' test results; diagnostic assessments of students' academic strengths and weaknesses; use of assessment results in developing students' short-term and long-term plans; assessments of student interests and aptitude; goal-setting skills; planning for high school course selection; independent living skills; exploration of options and opportunities for career and technical education at the secondary and postsecondary level; exploration of career opportunities in emerging and high-demand programs including apprenticeships; and postsecondary options and how to access them;

(b) Regular meetings between each student and a teacher who serves as an advisor throughout the student's enrollment at the school;

(c) Student-led conferences with the student's parents, guardians, or family members and the student's advisor for the purpose of demonstrating the student's accomplishments; identifying weaknesses; planning and selecting courses; and setting long-term goals; and

(d) Data collection that allows schools to monitor students' progress.

(3) Subject to funds appropriated for this purpose, the office of the superintendent of public instruction shall provide support for comprehensive guidance and planning programs in public schools, including providing ongoing development and improvement of the curriculum described in subsection (2) of this section.

NEW SECTION. **Sec. 304.** A new section is added to chapter 28A.245 RCW to read as follows:

(1) Subject to the provisions of this section and section 305 of this act, a skill center may enter into an agreement with the community or technical college in which district the skill center is located to provide career and technical education courses necessary to complete an industry certificate or credential for students who have received a high school diploma.

(2) To qualify for enrollment under this section, a student must have been enrolled in the skill center before receiving the high school diploma and must remain continuously enrolled in the skill center. A student may enroll only in those courses necessary to complete the industry certificate or credential associated with the student's career and technical program.

(3) Students enrolled in a skill center under this section shall be considered community and technical college students for purposes of enrollment reporting, tuition, and financial aid. The skill center shall maintain enrollment data for students enrolled under this section separately from data on secondary school enrollment.

NEW SECTION. **Sec. 305.** A new section is added to chapter 28B.50 RCW to read as follows:

(1) A community or technical college may enter into an agreement with a skill center within the college district to allow students who have completed a high school diploma to remain enrolled in the skill center in courses necessary to complete an industry certificate or credential in the student's career and technical program as provided by section 304 of this act.

(2) Before entering an agreement, a community or technical college may require the skill center to provide evidence that:

(a) The skill center has adequate facilities and capacity to offer the necessary courses and the community or technical college does not have adequate facilities or capacity; or

(b) The community or technical college does not offer the particular industry certificate program or courses proposed by the skill center.

(3) Under the terms of the agreement, the community or technical college shall report the enrolled student as a state-supported student and may charge the student tuition and fees. The college shall transmit to the skill center an agreed-upon amount per enrolled full-time equivalent student to pay for the student's courses at the skill center.

Sec. 306. RCW 28B.102.040 and 2005 c 518 s 918 are each amended to read as follows:

(1) The board may select participants based on an application process conducted by the board or the board may utilize selection processes for similar students in cooperation with the professional educator standards board or the office of the superintendent of public instruction.

(2) If the board selects participants for the program, it shall establish a selection committee for screening and selecting recipients of the conditional scholarships. The criteria shall emphasize factors demonstrating excellence including but not limited to superior scholastic achievement, leadership ability, community contributions, bilingual ability, willingness to commit to providing teaching service in shortage areas, and an ability to act as a role model for students. Priority will be given to individuals seeking certification or an additional endorsement in math, science, technology education, agricultural education, business and marketing education, family and consumer science education, or special education.

((~~For fiscal years 2006 and 2007, additional priority shall be given to such individuals who are also bilingual. It is the intent of the legislature to develop a pool of dual-language teachers in order to meet the challenge of educating students who are dominant in languages other than English.~~))

NEW SECTION. **Sec. 307.** (1) Subject to funds appropriated for this purpose, the in-demand scholars program is created. The purpose of the program is to replicate a successful pilot program to attract high school students into high-demand fields, as identified under section 102 of this act, that require one to three years of postsecondary education, including apprenticeships. The program shall be administered by the workforce training and education coordinating board.

(2) The workforce training and education coordinating board, in consultation with representatives from the statewide association of workforce development councils, the Washington state labor council, and a statewide business association, shall:

(a) Develop a model in-demand scholars program to be implemented by local workforce development councils. The model program shall be sufficiently flexible that councils may customize the design to meet the unique needs and available resources in each region. Under the model program, workforce development councils identify local industries in high-demand fields that are having difficulty filling employee positions that require one to three years of postsecondary education or apprenticeship. Representatives of such industries present the employment opportunities available in their industry to local high school students and inform students about possible job shadowing or internship opportunities in the industry. Students who participate in a job shadow or internship under a model program are eligible to receive an in-demand scholarship if the students enroll in a postsecondary education program or apprenticeship in one of the high-demand fields identified in the model program. Local workforce development councils award the scholarships. Scholarships shall not exceed an amount specified in the omnibus appropriations act and shall be used to offset tuition and related education and training expenses for a maximum of two years;

(b) Determine and make the initial allocation for the in-demand scholars program to each workforce development council, based on its projected outcomes and other criteria. Funding may be reallocated among workforce development councils if necessary based on actual results achieved; and

(c) Require that local workforce development councils submit quarterly reports on the in-demand scholars program, including but not limited to the industries participating and the projected and actual number of students served, students completing job shadows or internships, students entering and completing postsecondary education, students entering the targeted career, and students continuing on to four-year degrees or other additional education.

NEW SECTION. **Sec. 308.** (1) The office of the superintendent of public instruction shall conduct a feasibility study to create technical high schools in Washington state. In conducting the study, the office shall convene an advisory committee including, but not limited to, representatives from school districts, high schools, skill centers, community and technical colleges, workforce development councils, the workforce training and education coordinating board, the Washington association for career and technical education, the Washington state apprenticeship and training council, and the state board for community and technical colleges. Subject to available funds, the office shall contract with a third party to support the study, including examining technical high school models in other states.

(2) The feasibility study shall examine and make recommendations on the following issues:

(a) The definition of a technical high school and how a technical high school might differ from current comprehensive high schools, alternative high schools, or skill centers;

(b) The governance structure for technical high schools, which may be within a single district, a cooperative of multiple districts, or other new governance structures that may be considered;

(c) Funding models and estimated costs to support technical high schools, including both operating and capital funds;

(d) Whether technical high schools should focus on particular student populations or be structured as magnet schools or academies with a particular programmatic focus;

(e) Whether technical high schools should operate with a two-year or four-year program or with part-time or full-time attendance;

(f) The implications of accountability for student achievement with a technical high school, including adequate yearly progress; and

(g) Options, strategies, and estimated costs for possible transition of selected current high schools or skill centers to a technical high school model.

(3) The office of the superintendent of public instruction shall submit an interim progress report to the governor and the education and fiscal committees of the legislature by December 1, 2008, and a final report with recommendations by September 15, 2009.

PART IV
MISCELLANEOUS

Sec. 401. RCW 28A.505.220 and 2005 c 514 s 1103 are each amended to read as follows:

(1) Total distributions from the student achievement fund to each school district shall be based upon the average number of full-time equivalent students in the school district during the previous school year as reported to the office of the superintendent of public instruction by August 31st of the previous school year. The superintendent of public instruction shall ensure that moneys generated by skill center students are returned to skill centers.

(2) The allocation rate per full-time equivalent student shall be three hundred dollars in the 2005-06 school year, three hundred seventy-five dollars in the 2006-07 school year, and four hundred fifty dollars in the 2007-08 school year. For each subsequent school year, the amount allocated per full-time equivalent student shall be adjusted for inflation as defined in RCW 43.135.025(8). These

allocations per full-time equivalent student from the student achievement fund shall be supported from the following sources:

(a) Distributions from state property tax proceeds deposited into the student achievement fund under RCW 84.52.068; and

(b) Distributions from the education legacy trust account created in RCW 83.100.230.

(3) Any funds deposited in the student achievement fund under RCW 43.135.045 shall be allocated to school districts on a one-time basis using a rate per full-time equivalent student. These funds are provided in addition to any amounts allocated in subsection (2) of this section.

(4) The school district annual amounts as defined in subsection (2) of this section shall be distributed on the monthly apportionment schedule as defined in RCW 28A.510.250.

Sec. 402. 2007 c 354 s 12 (uncodified) is amended to read as follows:

(1) The superintendent of public instruction and the workforce training and education coordinating board shall jointly convene and staff an advisory committee to identify career and technical education curricula that will assist in preparing students for the state assessment system and provide the opportunity to obtain a certificate of academic achievement.

(2) The advisory committee shall consist of the following nine members:

(a) Four members of the legislature, with two members each appointed by the respective caucuses of the house of representatives and the senate;

(b) One representative from the career and technical education section of the office of the superintendent of public instruction;

(c) One member appointed by the workforce training and education coordinating board; and

(d) Three members appointed by the superintendent of public instruction and the workforce training and education coordinating board based on recommendations from the career and technical education community.

(3) The advisory committee shall appoint a chair from among the nonlegislative members.

(4) Legislative members of the advisory committee shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(5) By January 15, 2008, the advisory committee shall provide an initial report to the governor and the legislature and, if necessary, a work plan with additional reporting deadlines((~~, which shall not extend beyond December 15, 2008~~)). By December 2009, the advisory committee shall report to the governor and appropriate committees of the legislature with an evaluation of the status of the recommendations made in the initial report and any additional recommendations the advisory committee finds necessary to accomplish the goals of the initial report.

NEW SECTION. **Sec. 403.** RCW 28C.04.100 and 28C.04.110 are each recodified as sections in the new chapter created in section 408 of this act.

NEW SECTION. **Sec. 404.** RCW 28C.22.020 is recodified as a section in chapter 28A.245 RCW.

NEW SECTION. **Sec. 405.** The following acts or parts of acts are each repealed:

(1) RCW 28C.22.005 (Findings) and 1993 c 380 s 1; and

(2) RCW 28C.22.010 (Skill center program operation) and 1993 c 380 s 2.

NEW SECTION. **Sec. 406.** This chapter may be known and cited as the career and technical education act.

NEW SECTION. **Sec. 407.** Part headings used in this act are not any part of the law.

NEW SECTION. **Sec. 408.** Sections 102, 104, 105, 107, 201, 204, 301, 302, 307, and 406 of this act constitute a new chapter in Title 28A RCW.

NEW SECTION. **Sec. 409.** Section 401 of this act takes effect September 1, 2008."

Correct the title.

Signed by Representatives Quall, Chair; Barlow, Vice Chair; Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Haigh; Liias; Roach; Santos and Sullivan.

Referred to Committee on Appropriations.

February 28, 2008

SB 6381 Prime Sponsor, Senator Weinstein: Establishing fiduciary duties for mortgage brokers. Reported by Committee on Insurance, Financial Services & Consumer Protection

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 19.146 RCW to read as follows:

(1) A mortgage broker has a fiduciary relationship with the borrower. For the purposes of this section, the fiduciary duty means that the mortgage broker has the following duties:

(a) A mortgage broker must act in the borrower's best interest and in the utmost good faith toward the borrower, and shall disclose any and all interests to the borrower including, but not limited to, interests that may lie with the lender that are used to facilitate a borrower's request. A mortgage broker shall not accept, provide, or charge any undisclosed compensation or realize any undisclosed remuneration that inures to the benefit of the mortgage broker on an expenditure made for the borrower;

(b) A mortgage broker must carry out all lawful instructions provided by the borrower;

(c) A mortgage broker must disclose to the borrower all material facts of which the mortgage broker has knowledge that might reasonably affect the borrower's rights, interests, or ability to receive the borrower's intended benefit from the residential mortgage loan;

(d) A mortgage broker must use reasonable care in performing duties; and

(e) A mortgage broker must provide an accounting to the borrower for all money and property received from the borrower.

(2) A mortgage broker may contract for or collect a fee for services rendered if the fee is disclosed to the borrower in advance of the provision of those services.

(3) The fiduciary duty in this section does not require a mortgage broker to offer or obtain access to loan products and services other than those that are available to the mortgage broker at the time of the transaction.

(4) The director must adopt rules to implement this section."

Correct the title.

Signed by Representatives Kirby, Chair; Kelley, Vice Chair; Roach, Ranking Minority Member; Hurst; Loomis; Rodne; Santos; Simpson and Smith.

Passed to Committee on Rules for second reading.

February 28, 2008

SSB 6385 Prime Sponsor, Senate Committee on Consumer Protection & Housing: Concerning real property. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature by this act does not intend to create a cause of action in tort for defects in the construction of improvements upon real property intended for residential use, nor does the legislature intend to overrule the holding in *Berschauer/Phillips Constr. Co. v. Seattle Sch. Dist. No. 1*, 124 Wn.2d 816, 881 P.2d 986 (1994) and other cases in which the courts have held that the economic loss rule applies to construction defect claims.

NEW SECTION. **Sec. 2.** A new section is added to chapter 64.50 RCW to read as follows:

(1) A construction professional involved in the construction of improvements upon residential real property or real property intended for use as residential real property warrants that the work, and any part thereof, will be suitable for the ordinary uses of real property of its type and that the work will be:

(a) Free from defective materials;

(b) Constructed in accordance with sound engineering and construction standards;

(c) Constructed in a workmanlike manner; and

(d) Constructed in compliance with all laws then applicable to such improvements.

(2) If a construction professional breaches a warranty arising under this section and the breach results in damage to any portion of the residential real property, the current owner of the residential real property may bring a cause of action for damages against the construction professional. Absence of privity of contract between the owner and the construction professional is not a defense to the enforcement of a warranty arising under this section.

(3) In a judicial proceeding for breach of a warranty arising under this section, the plaintiff must show that the alleged breach has adversely affected or will adversely affect the performance of that portion of the property alleged to be in breach. As used in this subsection, "adverse effect" must be more than technical and must be significant to a reasonable person. To establish an adverse effect, the person alleging the breach is not required to prove that the breach renders the property unfit for occupancy.

(4) Proof of breach of a warranty arising under this section is not proof of damages. Damages awarded for a breach of a warranty arising under this section are the cost of repairs. However, if it is established that the cost of repairs is clearly disproportionate to the loss in market value caused by the breach, then damages shall be limited to the loss in market value.

(5)(a) A judicial proceeding for breach of a warranty arising under this section must be commenced within four years after the cause of action accrues. This period may not be reduced by either oral or written agreement, or through the use of contractual claims or notice procedures that require the filing or service of any claim or notice prior to the expiration of the period specified in this section.

(b) Except as provided under (c) of this subsection, a cause of action for breach of a warranty under this section accrues, regardless of the owner's lack of knowledge of the breach:

(i) In the case of the purchase of newly constructed residential real property, on the date the initial owner enters into possession of the property; or

(ii) In the case of existing residential real property upon which the construction of improvements are made, on the date of substantial completion of construction or termination of the construction project, whichever is later.

(c) A cause of action for breach of a warranty under this section based on a latent structural defect or a latent water penetration defect accrues when the claimant discovers or reasonably should have discovered the latent structural defect or latent water penetration defect.

(d) An action for breach of a warranty under this section is subject to the time limits provided in RCW 4.16.310.

(6) If a written notice of claim is served under RCW 64.50.020 within the time prescribed for the filing of an action under this section, the statutes of limitation in this section and any applicable statutes of repose for construction-related claims are tolled until sixty days after the period of time during which the filing of an action is barred under RCW 64.50.020.

(7) The warranties imposed by this section may not be waived, disclaimed, or limited.

(8) In a judicial proceeding under this section, the court may award reasonable attorneys' fees and costs to the prevailing party.

(9) This section does not apply to condominiums subject to chapter 64.34 RCW or nonprofit housing developers.

(10) This section does not affect the application of the requirements imposed under other provisions of this chapter.

(11) For the purposes of this section:

(a) "Nonprofit housing developer" means a nonprofit organization or housing authority that has among its purposes the provision of housing that is affordable to low-income households.

(b) "Residential real property" means a single-family house or a duplex occupied by the owner as a residence.

(c) "Substantial completion of construction" means the state of completion reached when an improvement upon real property may be used or occupied for its intended use.

Sec. 3. RCW 64.50.010 and 2002 c 323 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Action" means any civil lawsuit or action in contract or tort for damages or indemnity brought against a construction professional to assert a claim, whether by complaint, counterclaim, or cross-claim, for damage or the loss of use of real or personal property caused by a defect in the construction of a residence or in the substantial remodel of a residence. "Action" does not include any civil action in tort alleging personal injury or wrongful death to a person or persons resulting from a construction defect.

(2) "Association" means an association, master association, or subassociation as defined and provided for in RCW 64.34.020(4), 64.34.276, 64.34.278, and 64.38.010(1).

(3) "Claimant" means a homeowner or association who asserts a claim against a construction professional concerning a defect in the construction of a residence or in the substantial remodel of a residence.

(4) "Construction professional" means an architect, builder, builder vendor, contractor, subcontractor, engineer, or inspector, including, but not limited to, a dealer as defined in RCW 64.34.020(12) and a declarant as defined in RCW 64.34.020(13), performing or furnishing the design, supervision, inspection, construction, or observation of the construction of any improvement to real property, whether operating as a sole proprietor, partnership, corporation, or other business entity. "Construction professional" does not include an inspector who is an agent or employee of a local government and acting in his or her official capacity as an inspector.

(5) "Homeowner" means: (a) Any person, company, firm, partnership, corporation, or association who contracts with a construction professional for the construction, sale, or construction and sale of a residence; and (b) an "association" as defined in this section. "Homeowner" includes, but is not limited to, a subsequent purchaser of a residence from any homeowner.

(6) "Residence" means a single-family house, duplex, triplex, quadraplex, or a unit in a multiunit residential structure in which title to each individual unit is transferred to the owner under a condominium or cooperative system, and shall include common elements as defined in RCW 64.34.020(6) and common areas as defined in RCW 64.38.010(4).

(7) "Serve" or "service" means personal service or delivery by certified mail to the last known address of the addressee.

(8) "Substantial remodel" means a remodel of a residence, for which the total cost exceeds one-half of the assessed value of the residence for property tax purposes at the time the contract for the remodel work was made.

NEW SECTION. **Sec. 4.** This act takes effect July 1, 2009."

Correct the title.

Signed by Representatives Goodman, Vice Chair; Flannigan; Kirby; Moeller; Pedersen and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern and Ross.

Passed to Committee on Rules for second reading.

February 27, 2008

SSB 6389 Prime Sponsor, Senate Committee on Ways & Means: Exempting certain military housing from property and leasehold excise taxes. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 84.36 RCW to read as follows:

(1) Military housing is exempt from taxation if the housing meets the following requirements:

(a) The military housing must be situated on land owned in fee by the United States;

(b) The military housing must be used for the housing of military personnel and their families; and

(c) The military housing must be a development project awarded under the military housing privatization initiative.

(2) To qualify property for the exemption under this section, the project owner must submit an application to the department in a form and manner prescribed by the department. Any change in the use of the property that affects the qualification of the property must be reported to the department.

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

(a) "Ancillary supporting facilities" means facilities related to military housing units, including facilities to provide or support elementary or secondary education, child care centers, day care centers, child development centers, tot lots, community centers, housing offices, dining facilities, unit offices, and other similar facilities for the support of military housing.

(b) "Military housing" means military housing units and ancillary supporting facilities.

(c) "Military housing privatization initiative" means the military housing privatization initiative of 1996, 10 U.S.C. Secs. 2871 through 2885, as existing on the effective date of this act, or some later date as the department may provide.

Sec. 2. RCW 82.29A.130 and 2007 c 90 s 1 are each amended to read as follows:

The following leasehold interests shall be exempt from taxes imposed pursuant to RCW 82.29A.030 and 82.29A.040:

(1) All leasehold interests constituting a part of the operating properties of any public utility which is assessed and taxed as a public utility pursuant to chapter 84.12 RCW.

(2) All leasehold interests in facilities owned or used by a school, college or university which leasehold provides housing for students and which is otherwise exempt from taxation under provisions of RCW 84.36.010 and 84.36.050.

(3) All leasehold interests of subsidized housing where the fee ownership of such property is vested in the government of the United States, or the state of Washington or any political subdivision thereof but only if income qualification exists for such housing.

(4) All leasehold interests used for fair purposes of a nonprofit fair association that sponsors or conducts a fair or fairs which receive support from revenues collected pursuant to RCW 67.16.100 and allocated by the director of the department of agriculture where the fee ownership of such property is vested in the government of the United States, the state of Washington or any of its political subdivisions: PROVIDED, That this exemption shall not apply to

the leasehold interest of any sublessee of such nonprofit fair association if such leasehold interest would be taxable if it were the primary lease.

(5) All leasehold interests in any property of any public entity used as a residence by an employee of that public entity who is required as a condition of employment to live in the publicly owned property.

(6) All leasehold interests held by enrolled Indians of lands owned or held by any Indian or Indian tribe where the fee ownership of such property is vested in or held in trust by the United States and which are not subleased to other than to a lessee which would qualify pursuant to this chapter, RCW 84.36.451 and 84.40.175.

(7) All leasehold interests in any real property of any Indian or Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States: PROVIDED, That this exemption shall apply only where it is determined that contract rent paid is greater than or equal to ninety percent of fair market rental, to be determined by the department of revenue using the same criteria used to establish taxable rent in RCW 82.29A.020(2)(b).

(8) All leasehold interests for which annual taxable rent is less than two hundred fifty dollars per year. For purposes of this subsection leasehold interests held by the same lessee in contiguous properties owned by the same lessor shall be deemed a single leasehold interest.

(9) All leasehold interests which give use or possession of the leased property for a continuous period of less than thirty days: PROVIDED, That for purposes of this subsection, successive leases or lease renewals giving substantially continuous use of possession of the same property to the same lessee shall be deemed a single leasehold interest: PROVIDED FURTHER, That no leasehold interest shall be deemed to give use or possession for a period of less than thirty days solely by virtue of the reservation by the public lessor of the right to use the property or to allow third parties to use the property on an occasional, temporary basis.

(10) All leasehold interests under month-to-month leases in residential units rented for residential purposes of the lessee pending destruction or removal for the purpose of constructing a public highway or building.

(11) All leasehold interests in any publicly owned real or personal property to the extent such leasehold interests arises solely by virtue of a contract for public improvements or work executed under the public works statutes of this state or of the United States between the public owner of the property and a contractor.

(12) All leasehold interests that give use or possession of state adult correctional facilities for the purposes of operating correctional industries under RCW 72.09.100.

(13) All leasehold interests used to provide organized and supervised recreational activities for persons with disabilities of all ages in a camp facility and for public recreational purposes by a nonprofit organization, association, or corporation that would be exempt from property tax under RCW 84.36.030(1) if it owned the property. If the publicly owned property is used for any taxable purpose, the leasehold excise taxes set forth in RCW 82.29A.030 and 82.29A.040 shall be imposed and shall be apportioned accordingly.

(14) All leasehold interests in the public or entertainment areas of a baseball stadium with natural turf and a retractable roof or canopy that is in a county with a population of over one million, that has a seating capacity of over forty thousand, and that is constructed on or after January 1, 1995. "Public or entertainment areas" include ticket sales areas, ramps and stairs, lobbies and concourses, parking areas, concession areas, restaurants, hospitality and stadium club areas, kitchens or other work areas primarily servicing other public or entertainment areas, public rest room areas, press and media areas, control booths, broadcast and production areas, retail sales areas, museum and exhibit areas, scoreboards or other public displays, storage areas, loading, staging, and servicing areas, seating areas and suites, the playing field, and any other areas to which the public has access or which are used for the production of the entertainment event or other public usage, and any other personal property used for these purposes. "Public or entertainment areas" does not include locker rooms or private offices exclusively used by the lessee.

(15) All leasehold interests in the public or entertainment areas of a stadium and exhibition center, as defined in RCW 36.102.010, that is constructed on or after January 1, 1998. For the purposes of this subsection, "public or entertainment areas" has the same meaning as in subsection (14) of this section, and includes exhibition areas.

(16) All leasehold interests in public facilities districts, as provided in chapter 36.100 or 35.57 RCW.

(17) All leasehold interests in property that is: (a) Owned by the United States government or a municipal corporation; (b) listed on any federal or state register of historical sites; and (c) wholly contained within a designated national historic reserve under 16 U.S.C. Sec. 461.

(18) All leasehold interests in the public or entertainment areas of an amphitheater if a private entity is responsible for one hundred percent of the cost of constructing the amphitheater which is not reimbursed by the public owner, both the public owner and the private lessee sponsor events at the facility on a regular basis, the lessee is responsible under the lease or agreement to operate and maintain the facility, and the amphitheater has a seating capacity of over seventeen thousand reserved and general admission seats and is in a county with a population of over three hundred fifty thousand, but less than four hundred twenty-five thousand. For the purposes of this subsection, "public or entertainment areas" include box offices or other ticket sales areas, entrance gates, ramps and stairs, lobbies and concourses, parking areas, concession areas, restaurants, hospitality areas, kitchens or other work areas primarily servicing other public or entertainment areas, public rest room areas, press and media areas, control booths, broadcast and production areas, retail sales areas, museum and exhibit areas, scoreboards or other public displays, storage areas, loading, staging, and servicing areas, seating areas including lawn seating areas and suites, stages, and any other areas to which the public has access or which are used for the production of the entertainment event or other public usage, and any other personal property used for these purposes. "Public or entertainment areas" does not include office areas used predominately by the lessee.

(19) All leasehold interests in real property used for the placement of military housing meeting the requirements of section 1 of this act."

Correct the title.

Signed by Representatives Hunter, Chair; Orcutt, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Conway; Ericks; McIntire; Roach and Santos.

MINORITY recommendation: Do not pass. Signed by Representative Hasegawa, Vice Chair.

Passed to Committee on Rules for second reading.

February 28, 2008

SB 6398 Prime Sponsor, Senator Stevens: Regarding fines collected in truancy court actions. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern; Flannigan; Kirby; Moeller; Pedersen; Ross and Williams.

Passed to Committee on Rules for second reading.

February 28, 2008

SSB 6400 Prime Sponsor, Senate Committee on Human Services & Corrections: Establishing programs for the moral guidance of incarcerated persons. Reported by Committee on Human Services

MAJORITY recommendation: Do pass as amended.

On page 1, beginning on line 6, after "have" strike all material though "believing" on line 14 and insert "the need to develop pro-social behaviors"

Signed by Representatives Dickerson, Chair; Roberts, Vice Chair; Ahern, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Bailey; Darneille; McCoy and O'Brien.

Passed to Committee on Rules for second reading.

February 27, 2008

SB 6421 Prime Sponsor, Senator Pridemore: Providing medical coverage for smoking cessation programs. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

On page 1, beginning on line 10, after "1396r-8(k)." strike all material through "medications." on line 11

On page 1, beginning on line 14, after "to" strike all material through "chapter." on line 14, and insert "encourage the use of effective, evidence-based services. The department shall track per-capita expenditures for a cohort of clients that receive smoking cessation benefits, and submit a cost-benefit analysis to the legislature on or before January 1, 2012."

Signed by Representatives Cody, Chair; Morrell, Vice Chair; Barlow; Campbell; Green; Moeller; Pedersen and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Condotta; DeBolt and Seaquist.

Referred to Committee on Appropriations.

February 28, 2008

SSB 6426 Prime Sponsor, Senate Committee on Early Learning & K-12 Education: Enacting the Interstate Compact on Educational Opportunity for Military Children. (REVISED FOR PASSED LEGISLATURE: Creating a task force to review and make recommendations regarding the Interstate Compact on Educational Opportunity for Military Children.) Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The office of the superintendent of public instruction shall convene and support a task force to review and make recommendations regarding the interstate compact on educational opportunity for military children. Education committee staff from senate committee services and house of representatives office of program research shall provide support to the legislative members of the task force.

(2) The task force shall review the compact and issue a final report on the following, at a minimum:

(a) Which components of the compact are currently being substantially implemented in Washington and which are not;

(b) The implications of and the interplay between the compact and applicable federal education law;

(c) The implications of and the interplay between the compact and applicable state education law; and

(d) The legal obligations that the compact would impose on the state if it were to be adopted.

(3) The task force shall also address any provisions within the compact that raise concerns of the task force members and shall make recommendations on how to address those concerns within the final report.

(4) The task force shall include the following members:

(a) Four legislative members, including one member appointed by the president of the senate from each of the two largest caucuses of the senate, and one member appointed by the speaker of the house of representatives from each of the two largest caucuses of the house of representatives;

(b) The attorney general or a designee;

(c) A representative from the United States department of defense;

(d) The superintendent of public instruction or a designee;

(e) A representative from each educational service district;

(f) A superintendent from a school district with a high concentration of military children; and

(g) A representative of the state board of education.

(5) Legislative members of the task force shall be reimbursed for travel expenses under RCW 44.04.120. Nonlegislative members are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(6) The task force shall present its final report of findings and conclusions, including recommendations for legislative action if necessary, to the appropriate committees of the legislature by December 1, 2008."

Correct the title.

Signed by Representatives Quall, Chair; Barlow, Vice Chair; Anderson, Assistant Ranking Minority Member; Haigh; Liias; Santos and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Priest, Ranking Minority Member; and Roach.

Passed to Committee on Rules for second reading.

February 28, 2008

ESSB 6437 Prime Sponsor, Senate Committee on Judiciary: Modifying provisions relating to bail bond and bail bond recovery agents. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

February 27, 2008

ESSB 6442 Prime Sponsor, Senate Committee on Judiciary: Modifying provisions relating to the office of public defense. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Judiciary. Signed by Representatives Sommers, Chair; Dunshee, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Haler, Assistant Ranking Minority Member; Anderson; Chandler; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Green; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McIntire; Morrell; Pettigrew; Priest; Ross; Schmick; Schual-Berke; Seaquist; Sullivan and Walsh.

Passed to Committee on Rules for second reading.

February 28, 2008

SB 6447 Prime Sponsor, Senator Hobbs: Allowing unpaid leaves of absence for military personnel needs. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** In order to support the families of military personnel serving in military conflicts, and to assure that these families are able to spend time together after being notified of an impending call or order to active duty and before deployment and during a military member's leave from deployment, the legislature hereby creates the military family leave act.

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

(1) "Department" and "spouse" have the same meanings as in RCW 49.78.020.

(2) "Employee" means a person who performs service for hire for an employer, for an average of twenty or more hours per week, and includes all individuals employed at any site owned or operated by an employer, but does not include an independent contractor.

(3) "Employer" means: (a) Any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state; (b) the state, state institutions, and state agencies; and (c) any unit of local government including, but not limited to, a county, city, town, municipal corporation, quasi-municipal corporation, or political subdivision.

(4) "Period of military conflict" means a period of war declared by the United States Congress, declared by executive order of the president, or in which a member of a reserve component of the armed forces is ordered to active duty pursuant to either sections 12301 and 12302 of Title 10 of the United States Code or Title 32 of the United States Code.

NEW SECTION. **Sec. 3.** (1) During a period of military conflict, an employee who is the spouse of a member of the armed forces of the United States, national guard, or reserves who has been notified of an impending call or order to active duty or has been deployed is entitled to a total of fifteen days of unpaid leave per deployment after the military spouse has been notified of an impending call or order to active duty and before deployment or when the military spouse is on leave from deployment.

(2) An employee who takes leave under this chapter is entitled: (a) To be restored to a position of employment in the same manner as an employee entitled to leave under chapter 49.78 RCW is restored to a position of employment, as specified in RCW 49.78.280; and (b) to continue benefits in the same manner as an employee entitled to leave under chapter 49.78 RCW continues benefits, as specified in RCW 49.78.290.

(3) An employee who seeks to take leave under this chapter must provide the employer with notice, within five business days of receiving official notice of an impending call or order to active duty or of a leave from deployment, of the employee's intention to take leave under this chapter.

(4) An employer from which an employee seeks to take leave or takes leave under this chapter shall not engage in prohibited acts as specified in RCW 49.78.300.

(5) An employee who takes leave under this chapter may elect to substitute any of the accrued leave to which the employee may be entitled for any part of the leave provided under this chapter.

(6) The department shall administer the provisions of this chapter, and may adopt rules as necessary to implement this chapter.

(7) This chapter shall be enforced as provided in chapter 49.78 RCW.

NEW SECTION. **Sec. 4.** Sections 1 through 3 of this act constitute a new chapter in Title 49 RCW."

Correct the title.

Signed by Representatives Conway, Chair; Wood, Vice Chair; Green; Moeller and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; and Crouse.

Passed to Committee on Rules for second reading.

February 28, 2008

SSB 6448 Prime Sponsor, Senate Committee on Ways & Means: Providing for intensive behavior support services for children with developmental disabilities. Reported by Committee on Human Services

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that a developmental disability is a natural part of human life, and the presence of a developmental disability in the life of a person does not diminish the person's rights or opportunity to participate fully in the life of the local community.

The legislature recognizes that the number of children who have a developmental disability along with intense behaviors is increasing and more families are seeking out-of-home placement for their children. The legislature intends that services be created to develop skills and supports designed for the child, family members, and others involved in the child's life to avoid disruption to the family and reduce the need for out-of-home placement.

Within available funds, the legislature directs the department of social and health services to submit a federal waiver application through which services may be provided to allow a child with a developmental disability who has intense behaviors to have a permanent and stable familial relationship. The legislature intends for these services to be locally based and offered as early as possible to avoid family disruption and out-of-home placement.

NEW SECTION. **Sec. 2.** (1) Upon receipt of a federal home and community-based care waiver and to the extent funding is appropriated for this purpose, intensive behavior support services may be provided by the department of social and health services, directly or by contract, to children with developmental disabilities who have intense behaviors and their families.

(2) The department shall be the lead administrative agency for intensive behavior support services and shall:

(a) Collaborate with appropriate stakeholders to develop and implement the intensive behavior support services program within the division of developmental disabilities;

(b) Utilize best practices and evidence-based practices;

(c) Provide coordination and planning for the implementation of intensive in-home services;

(d) Contract for the provision of intensive in-home services;

(e) Monitor and evaluate services to determine whether the program meets standards identified in the service contract;

(f) Collect data regarding the number of families served, and cost and outcomes of the program;

(g) Adopt appropriate rules to implement the program;

(h) License out-of-home respite placements on a timely basis;

(i) Maintain an appropriate staff-to-client ratio; and

(j) Assess the child for placement in a waiver program if the child has more complex needs and the family is unable to care for the child at home.

(3) A child may receive services when the department has determined that:

(a) The child is under the age of twenty-one;

(b) The child has a developmental disability and has been determined eligible for these services;

(c) The child/family score is substantially high enough on the behavior sections of the assessment conducted by the division of developmental disabilities within the department to indicate the child's behavior puts the child or family at significant risk and/or is very likely to require an out-of-home placement;

(d) The child meets eligibility for the home and community-based care waiver or waivers;

(e) The child resides in his or her family home or is temporarily in an out-of-home placement with a plan to return home;

(f) The family demonstrates the ability and willingness to learn the skills necessary to participate in the care outlined in the completed individual support plan; and

(g) The family is not subject to a pending child protective services referral.

NEW SECTION. **Sec. 3.** (1) Intensive behavior support services under the program authorized in section 2 of this act shall be provided through a core team of highly trained individuals either directly or by contract.

(2) The intensive behavior support services program shall be designed to enhance the child's and parent's skills to manage behaviors, increase family and personal self-sufficiency, improve functioning of the family, reduce stress on children and families, and assist the family to locate and use other community services.

(3) The core team shall have the following characteristics and responsibilities:

(a) Expertise in behavior management, therapies, and children's crisis intervention, or have access to such specialized expertise;

(b) Ability to coordinate the array of services and supports needed to stabilize the family;

(c) Ability to conduct transition planning as the individual and the individual's family leave the program; and

(d) Ability to authorize or coordinate the services in the family's home and other environments, such as schools and neighborhoods.

(4) The following types of services would constitute intensive behavior support services:

(a) Behavior consultation;

(b) Minor home adaptations;

(c) Motor vehicle adaptations;

(d) Goods, services, and supplies;

(e) In-home daily care;

(f) Therapies;

(g) In-home respite and planned out-of-home respite;

(h) Intensive behavior management training of families and other individuals and partners working with the child in all domains, including the school and an individualized education plan team; and

(i) Coordination and planning.

NEW SECTION. **Sec. 4.** Sections 1 through 3 of this act constitute a new chapter in Title 71A RCW.

NEW SECTION. **Sec. 5.** The sum of two million eight hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2009, from the general fund to the department of social and health services to serve up to one hundred children under this act."

Correct the title.

Signed by Representatives Dickerson, Chair; Roberts, Vice Chair; Ahern, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Bailey; Darneille; McCoy and O'Brien.

Referred to Committee on Appropriations.

February 27, 2008

SSB 6456 Prime Sponsor, Senate Committee on Health & Long-Term Care: Modifying credentialing standards for counselors. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.19.020 and 2001 c 251 s 18 are each amended to read as follows:

((~~Unless the context clearly requires otherwise,~~)) The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agency" means an agency or facility operated, licensed, or certified by the state of Washington.

(2) "Agency affiliated counselor" means a person registered under this chapter who is engaged in counseling and employed by an agency.

(3) "Certified adviser" means a person certified under this chapter who is engaged in private practice counseling to the extent authorized in section 4 of this act.

(4) "Certified counselor" means a person certified under this chapter who is engaged in private practice counseling to the extent authorized in section 4 of this act.

(5) "Client" means an individual who receives or participates in counseling or group counseling.

(((~~(2)~~))) (6) "Counseling" means employing any therapeutic techniques, including but not limited to social work, mental health counseling, marriage and family therapy, and hypnotherapy, for a fee that offer, assist or attempt to assist an individual or individuals in the amelioration or adjustment of mental, emotional, or behavioral problems, and includes therapeutic techniques to achieve sensitivity and awareness of self and others and the development of human potential. For the purposes of this chapter, nothing may be construed to imply that the practice of hypnotherapy is necessarily limited to counseling.

(((~~(3)~~))) (7) "Counselor" means an individual, practitioner, therapist, or analyst who engages in the practice of counseling to the public for a fee, including for the purposes of this chapter, hypnotherapists.

(((~~(4)~~))) (8) "Department" means the department of health.

(((~~(5)~~))) (9) "Hypnotherapist" means a person registered under this chapter who is practicing hypnosis as a modality.

(10) "Private practice counseling" means the practice of counseling by a certified counselor or certified adviser as specified in section 4 of this act.

(11) "Psychotherapy" means the practice of counseling using diagnosis of mental disorders according to the fourth edition of the diagnostic and statistical manual of mental disorders, published in 1994, and the development of treatment plans for counseling based on diagnosis of mental disorders in accordance with established practice standards.

(12) "Secretary" means the secretary of the department or the secretary's designee.

Sec. 2. RCW 18.19.030 and 2001 c 251 s 19 are each amended to read as follows:

((~~No~~)) A person may not, ((~~for a fee or~~)) as a part of his or her position as an employee of a state agency, practice counseling without being registered to practice as an agency affiliated counselor by the department under this chapter unless exempt under RCW 18.19.040.

NEW SECTION. **Sec. 3.** A new section is added to chapter 18.19 RCW to read as follows:

A person may not, for a fee or as a part of his or her position as an employee of a state agency, practice hypnotherapy without being registered to practice as a hypnotherapist by the department under this chapter unless exempt under RCW 18.19.040.

NEW SECTION. **Sec. 4.** A new section is added to chapter 18.19 RCW to read as follows:

The scope of practice of certified counselors and certified advisers consists exclusively of the following:

(1) Appropriate screening of the client's level of functional impairment using the global assessment of functioning as described in the fourth edition of the diagnostic and statistical manual of mental disorders, published in 1994. Recognition of a mental or physical disorder or a global assessment of functioning score of sixty or less requires that the certified counselor refer the client to a physician, osteopathic physician, or licensed mental health practitioner, as defined by the secretary, for diagnosis and treatment;

(2) Certified counselors and certified advisers may counsel and guide a client in adjusting to life situations, developing new skills, and making desired changes, in accordance with the theories and techniques of a specific counseling method and established practice standards, if the client has a global assessment of functioning score greater than sixty;

(3) Certified counselors may counsel and guide a client in adjusting to life situations, developing new skills, and making desired changes if the client has a global assessment of functioning score of sixty or less if:

(a) The client has been referred to the certified counselor by a physician, osteopathic physician, or licensed mental health practitioner, as defined by the secretary, and care is provided as part of a plan of treatment developed by the referring practitioner who is

actively treating the client. The certified counselor must adhere to any conditions related to the certified counselor's role as specified in the plan of care; or

(b) The certified counselor referred the client to seek diagnosis and treatment from a physician, osteopathic physician, or licensed mental health practitioner, as defined by the secretary, and the client refused, in writing, to seek treatment from the other provider. The certified counselor may provide services to the client consistent with a treatment plan developed by the certified counselor and the consultant or supervisor with whom the certified counselor has a written consultation or supervisory agreement.

Sec. 5. RCW 18.19.040 and 2001 c 251 s 20 are each amended to read as follows:

Nothing in this chapter may be construed to prohibit or restrict:

(1) The practice of a profession by a person who is either registered, certified, licensed, or similarly regulated under the laws of this state and who is performing services within the person's authorized scope of practice, including any attorney admitted to practice law in this state when providing counseling incidental to and in the course of providing legal counsel;

(2) The practice of counseling by an employee or trainee of any federal agency, or the practice of counseling by a student of a college or university, if the employee, trainee, or student is practicing solely under the supervision of and accountable to the agency, college, or university, through which he or she performs such functions as part of his or her position for no additional fee other than ordinary compensation;

(3) The practice of counseling by a person ((~~without a mandatory charge~~)) for no compensation;

(4) The practice of counseling by persons offering services for public and private nonprofit organizations or charities not primarily engaged in counseling for a fee when approved by the organizations or agencies for whom they render their services;

(5) Evaluation, consultation, planning, policy-making, research, or related services conducted by social scientists for private corporations or public agencies;

(6) The practice of counseling by a person under the auspices of a religious denomination, church, or organization, or the practice of religion itself;

(7) The practice of counseling by peer counselors who use their own experience to encourage and support people with similar conditions or activities related to the training of peer counselors; and

(8) Counselors ((~~whose residency is not~~)) who reside outside Washington state from providing up to ten days per quarter of training or workshops in the state, as long as they ((~~don't~~)) do not hold themselves out to be registered or certified in Washington state.

Sec. 6. RCW 18.19.050 and 2001 c 251 s 21 are each amended to read as follows:

(1) In addition to any other authority provided by law, the secretary has the following authority:

(a) To adopt rules, in accordance with chapter 34.05 RCW, necessary to implement this chapter;

(b) To set all registration, certification, and renewal fees in accordance with RCW 43.70.250 and to collect and deposit all such fees in the health professions account established under RCW 43.70.320;

(c) To establish forms and procedures necessary to administer this chapter;

(d) To hire clerical, administrative, and investigative staff as needed to implement this chapter;

(e) To issue a registration or certification to any applicant who has met the requirements for registration or certification; and

(f) To ((~~develop a dictionary of recognized professions and occupations providing counseling services to the public included under this chapter~~)) establish education equivalency, examination, supervisory, consultation, and continuing education requirements for certified counselors and certified advisers.

(2) The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of registrations and certifications and the discipline of registrants under this chapter. The secretary shall be the disciplining authority under this chapter. ((~~The absence of educational or training requirements for counselors registered under this chapter or the counselor's use of nontraditional nonabusive therapeutic techniques shall not, in and of itself, give the secretary authority to unilaterally determine the training and competence or to define or restrict the scope of practice of such individuals.~~))

(3) The department shall publish and disseminate information ((~~in order~~)) to educate the public about the responsibilities of counselors, the types of counselors, and the rights and responsibilities of clients established under this chapter. ((~~Solely for the purposes of administering this education requirement,~~)) The secretary ((~~shall~~)) may assess an additional fee for each application and renewal((~~, equal to five percent of the fee. The revenue collected from the assessment fee may be appropriated by the legislature for the department's use in educating consumers pursuant to this section. The authority to charge the assessment fee shall terminate on June 30, 1994~~)) to fund public education efforts under this section.

Sec. 7. RCW 18.19.060 and 2001 c 251 s 22 are each amended to read as follows:

((~~Persons registered under this chapter~~)) Certified counselors and certified advisers shall provide clients at the commencement of any program of treatment with accurate disclosure information concerning their practice, in accordance with guidelines developed by the department, that will inform clients of the purposes of and resources available under this chapter, including the right of clients to refuse treatment, the responsibility of clients for choosing the provider and treatment modality which best suits their needs, and the extent of confidentiality provided by this chapter, the department, another agency, or other jurisdiction. The disclosure statement must inform the client of the certified counselor's or certified adviser's consultation arrangement or supervisory agreement as defined in rules adopted by the secretary. The disclosure information provided by the certified counselor or certified adviser, the receipt of which shall be acknowledged in writing by the certified counselor or certified adviser and the client, shall include any relevant education and training, the therapeutic orientation of the practice, the proposed course of treatment where known, any financial requirements, referral resources, and such other information as the department may require by rule. The disclosure information shall also include a statement that ((~~registration~~)) the certification of an individual under this chapter does not include a recognition of any practice standards, nor necessarily imply the effectiveness of any treatment. Certified counselors and certified advisers must also disclose that they are not credentialed to diagnose mental disorders or to conduct psychotherapy as defined by the secretary by rule. The client is not liable for any fees or charges for services rendered prior to receipt of the disclosure statement.

Sec. 8. RCW 18.19.090 and 1991 c 3 s 24 are each amended to read as follows:

((~~The secretary shall issue a registration to any applicant who submits, on forms provided by the secretary, the applicant's name, address, occupational title, name and location of business, and other information as determined by the secretary, including information necessary to determine whether there are grounds for denial of registration or issuance of a conditional registration under this chapter or chapter 18.130 RCW. Applicants for registration shall register as counselors or may register as hypnotherapists if employing hypnosis as a modality. Applicants shall, in addition, provide in their titles a description of their therapeutic orientation, discipline, theory, or technique.~~)) (1) Application for agency affiliated counselor, certified counselor, certified adviser, or hypnotherapist must be made on forms approved by the secretary. The secretary may require information necessary to determine whether applicants meet the qualifications for the credential and whether there are any grounds for denial of the credential, or for issuance of a conditional credential, under this chapter or chapter 18.130 RCW. The application for agency affiliated counselor, certified counselor, or certified adviser must include a description of the applicant's orientation, discipline, theory, or technique. Each applicant shall pay a fee determined by the secretary as provided in RCW 43.70.250, which shall accompany the application.

(2) Applicants for agency affiliated counselor must provide satisfactory documentation that they are employed by an agency or have an offer of employment from an agency.

(3) At the time of application for initial certification, applicants for certified counselor prior to July 1, 2010, are required to:

(a) Have been registered for no less than five years at the time of application for an initial certification;

(b) Have held a valid, active registration that is in good standing and be in compliance with any disciplinary process and orders at the time of application for an initial certification;

(c) Show evidence of having completed course work in risk assessment, ethics, appropriate screening and referral, and Washington state law and other subjects identified by the secretary;

(d) Pass an examination in risk assessment, ethics, appropriate screening and referral, and Washington state law, and other subjects as determined by the secretary; and

(e) Have a written consultation agreement with a credential holder who meets the qualifications established by the secretary.

(4) Unless eligible for certification under subsection (3) of this section, applicants for certified counselor or certified adviser are required to:

(a)(i) Have a bachelor's degree in a counseling-related field, if applying for certified counselor; or

(ii) Have an associate degree in a counseling-related field and a supervised internship, if applying for certified adviser;

(b) Pass an examination in risk assessment, ethics, appropriate screening and referral, and Washington state law, and other subjects as determined by the secretary; and

(c) Have a written supervisory agreement with a supervisor who meets the qualifications established by the secretary.

(5) Each applicant shall include payment of the fee determined by the secretary as provided in RCW 43.70.250.

NEW SECTION. **Sec. 9.** A new section is added to chapter 18.19 RCW to read as follows:

Agency affiliated counselors shall notify the department if they are either no longer employed by the agency identified on their application or are now employed with another agency, or both. Agency affiliated counselors may not engage in the practice of counseling unless they are currently affiliated with an agency.

Sec. 10. RCW 18.19.100 and 1996 c 191 s 5 are each amended to read as follows:

The secretary shall establish administrative procedures, administrative requirements, continuing education, and fees for renewal of ((~~registrations~~)) credentials as provided in RCW 43.70.250 and 43.70.280. When establishing continuing education requirements for agency affiliated counselors, the secretary shall consult with the appropriate state agency director responsible for licensing, certifying, or operating the relevant agency practice setting.

Sec. 11. RCW 18.225.010 and 2001 c 251 s 1 are each amended to read as follows:

((~~Unless the context clearly requires otherwise,~~)) The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Advanced social work" means the application of social work theory and methods including emotional and biopsychosocial assessment, psychotherapy under the supervision of a licensed independent clinical social worker, case management, consultation, advocacy, counseling, and community organization.

(2) "Applicant" means a person who completes the required application, pays the required fee, is at least eighteen years of age, and meets any background check requirements and uniform disciplinary act requirements.

(3) "Associate" means a prelicensure candidate who has a graduate degree in a mental health field under RCW 18.225.090 and is gaining the supervision and supervised experience necessary to become a licensed independent clinical social worker, a licensed advanced social worker, a licensed mental health counselor, or a licensed marriage and family therapist.

(4) "Committee" means the Washington state mental health counselors, marriage and family therapists, and social workers advisory committee.

(((~~4~~))) (5) "Department" means the department of health.

(((~~5~~))) (6) "Disciplining authority" means the department.

(((~~6~~))) (7) "Independent clinical social work" means the diagnosis and treatment of emotional and mental disorders based on knowledge of human development, the causation and treatment of psychopathology, psychotherapeutic treatment practices, and social work practice as defined in advanced social work. Treatment modalities include but are not limited to diagnosis and treatment of individuals, couples, families, groups, or organizations.

(((~~7~~))) (8) "Marriage and family therapy" means the diagnosis and treatment of mental and emotional disorders, whether cognitive, affective, or behavioral, within the context of relationships, including marriage and family systems. Marriage and family therapy involves the professional application of psychotherapeutic and family systems theories and techniques in the delivery of services to individuals, couples, and families for the purpose of treating such diagnosed nervous and mental disorders. The practice of marriage and family therapy means the rendering of professional marriage and family therapy services to individuals, couples, and families, singly or in groups, whether such services are offered directly to the general public or through organizations, either public or private, for a fee, monetary or otherwise.

(((~~8~~))) (9) "Mental health counseling" means the application of principles of human development, learning theory, psychotherapy, group dynamics, and etiology of mental illness and dysfunctional behavior to individuals, couples, families, groups, and organizations, for the purpose of treatment of mental disorders and promoting optimal mental health and functionality. Mental health counseling also includes, but is not limited to, the assessment, diagnosis, and

treatment of mental and emotional disorders, as well as the application of a wellness model of mental health.

(((~~(9)~~))) (10) "Secretary" means the secretary of health or the secretary's designee.

Sec. 12. RCW 18.225.020 and 2001 c 251 s 2 are each amended to read as follows:

A person must not represent himself or herself as a licensed advanced social worker, a licensed independent clinical social worker, a licensed mental health counselor, ((~~or~~)) a licensed marriage and family therapist, a licensed social work associate--advanced, a licensed social work associate--independent clinical, a licensed mental health counselor associate, or a licensed marriage and family therapist associate, without being licensed by the department.

NEW SECTION. **Sec. 13.** A new section is added to chapter 18.225 RCW to read as follows:

(1) The secretary shall issue an associate license to any applicant who demonstrates to the satisfaction of the secretary that the applicant meets the following requirements for the applicant's practice area and submits a declaration that the applicant is working toward full licensure in that category:

(a) Licensed social worker associate--advanced or licensed social worker associate--independent clinical: Graduation from a master's degree or doctoral degree educational program in social work accredited by the council on social work education and approved by the secretary based upon nationally recognized standards.

(b) Licensed mental health counselor associate: Graduation from a master's degree or doctoral degree educational program in mental health counseling or a related discipline from a college or university approved by the secretary based upon nationally recognized standards.

(c) Licensed marriage and family therapist associate: Graduation from a master's degree or doctoral degree educational program in marriage and family therapy or graduation from an educational program in an allied field equivalent to a master's degree or doctoral degree in marriage and family therapy approved by the secretary based upon nationally recognized standards.

(2) Associates may not provide independent social work, mental health counseling, or marriage and family therapy for a fee, monetary or otherwise. Associates must work under the supervision of an approved supervisor.

(3) Associates shall provide each client or patient, during the first professional contact, with a disclosure form according to RCW 18.225.100, disclosing that he or she is an associate under the supervision of an approved supervisor.

(4) The department shall adopt by rule what constitutes adequate proof of compliance with the requirements of this section.

(5) Applicants are subject to the denial of a license or issuance of a conditional license for the reasons set forth in chapter 18.130 RCW.

(6) An associate license may be renewed no more than four times.

Sec. 14. RCW 18.225.150 and 2001 c 251 s 15 are each amended to read as follows:

The secretary shall establish by rule the procedural requirements and fees for renewal of a license or associate license. Failure to renew shall invalidate the license or associate license and all privileges granted by the license. If an associate license has lapsed, the person shall submit an updated declaration, in accordance with rules adopted by the department, that the person is working toward full licensure. If a license has lapsed for a period longer than three years, the person shall demonstrate competence to the satisfaction of the secretary by taking continuing education courses, or meeting other standards determined by the secretary. If an associate license has lapsed, the person shall submit an updated declaration, in accordance with rules adopted by the department, that the person is working toward full licensure.

Sec. 15. RCW 18.205.020 and 1998 c 243 s 2 are each amended to read as follows:

((~~Unless the context clearly requires otherwise,~~)) The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Certification" means a voluntary process recognizing an individual who qualifies by examination and meets established educational prerequisites, and which protects the title of practice.

(2) "Certified chemical dependency professional" means an individual certified in chemical dependency counseling, under this chapter.

(3) "Certified chemical dependency professional trainee" means an individual working toward the education and experience requirements for certification as a chemical dependency professional.

(4) "Chemical dependency counseling" means employing the core competencies of chemical dependency counseling to assist or attempt to assist an alcohol or drug addicted person to develop and maintain abstinence from alcohol and other mood-altering drugs.

(((~~(4)~~))) (5) "Committee" means the chemical dependency certification advisory committee established under this chapter.

(((~~(5)~~))) (6) "Core competencies of chemical dependency counseling" means competency in the nationally recognized knowledge, skills, and attitudes of professional practice, including assessment and diagnosis of chemical dependency, chemical dependency treatment planning and referral, patient and family education in the disease of chemical dependency, individual and group counseling with alcoholic and drug addicted individuals, relapse prevention counseling, and case management, all oriented to assist alcoholic and drug addicted patients to achieve and maintain abstinence from mood-altering substances and develop independent support systems.

(((~~(6)~~))) (7) "Department" means the department of health.

(((~~(7)~~))) (8) "Health profession" means a profession providing health services regulated under the laws of this state.

(((~~(8)~~))) (9) "Secretary" means the secretary of health or the secretary's designee.

Sec. 16. RCW 18.205.030 and 2000 c 171 s 41 are each amended to read as follows:

No person may represent oneself as a certified chemical dependency professional or certified chemical dependency professional trainee or use any title or description of services of a certified chemical dependency professional or certified chemical dependency professional trainee without applying for certification, meeting the required qualifications, and being certified by the department of health, unless otherwise exempted by this chapter.

Sec. 17. RCW 18.205.040 and 1998 c 243 s 4 are each amended to read as follows:

Nothing in this chapter shall be construed to authorize the use of the title "certified chemical dependency professional" or "certified chemical dependency professional trainee" when treating patients in settings other than programs approved under chapter 70.96A RCW.

NEW SECTION. **Sec. 18.** A new section is added to chapter 18.205 RCW to read as follows:

(1) The secretary shall issue a trainee certificate to any applicant who demonstrates to the satisfaction of the secretary that he or she is working toward the education and experience requirements in RCW 18.205.090.

(2) A trainee certified under this section shall submit to the secretary for approval a declaration, in accordance with rules adopted by the department, that he or she is enrolled in an approved education program and actively pursuing the experience requirements in RCW 18.205.090. This declaration must be updated with the trainee's annual renewal.

(3) A trainee certified under this section may practice only under the supervision of a certified chemical dependency professional. The first fifty hours of any face-to-face client contact must be under direct observation. All remaining experience must be under supervision in accordance with rules adopted by the department.

(4) A certified chemical dependency professional trainee provides chemical dependency assessments, counseling, and case management with a state regulated agency and can provide clinical services to patients consistent with his or her education, training, and experience as approved by his or her supervisor.

(5) A trainee certification may only be renewed four times.

(6) Applicants are subject to denial of a certificate or issuance of a conditional certificate for the reasons set forth in chapter 18.130 RCW.

NEW SECTION. **Sec. 19.** A new section is added to chapter 18.19 RCW to read as follows:

The Washington state certified counselors and hypnotherapist advisory committee is established.

(1) The committee is comprised of seven members. Two committee members must be certified counselors or certified advisers. Two committee members must be hypnotherapists. Three committee members must be consumers and represent the public at large and may not hold any mental health care provider license, certification, or registration.

(2) Two committee members must be appointed for a term of one year, two committee members must be appointed for a term of two years, and three committee members must be appointed for a term of three years. Subsequent committee members must be appointed for terms of three years. A person may not serve as a committee member for more than two consecutive terms.

(3)(a) Each committee member must be a resident of the state of Washington.

(b) A committee member may not hold an office in a professional association for their profession.

(c) Advisory committee members may not be employed by the state of Washington.

(d) Each professional committee member must have been actively engaged in their profession for five years immediately preceding appointment.

(e) The consumer committee members must represent the general public and be unaffiliated directly or indirectly with the professions credentialed under this chapter.

(4) The secretary shall appoint the committee members.

(5) Committee members are immune from suit in an action, civil or criminal, based on the department's disciplinary proceedings or other official acts performed in good faith.

(6) Committee members must be compensated in accordance with RCW 43.03.240, including travel expenses in carrying out his or her authorized duties in accordance with RCW 43.03.050 and 43.03.060.

(7) The committee shall elect a chair and vice-chair.

NEW SECTION. **Sec. 20.** To practice counseling, all registered counselors must obtain another health profession credential by July 1, 2010. The registered counselor credential is abolished July 1, 2010.

NEW SECTION. **Sec. 21.** Sections 1, 2, 7 through 9, and 11 through 19 of this act take effect July 1, 2009.

NEW SECTION. **Sec. 22.** The department of health may not issue any new registered counselor credentials after July 1, 2009.

NEW SECTION. **Sec. 23.** (1) The department of health shall report to the legislature and the governor by December 15, 2011, on:

(a) The number of registered counselors who become certified counselors or certified advisers;

(b) The number, status, type, and outcome of disciplinary actions involving certified counselors and certified advisers beginning on the effective date of this section; and

(c) The state of education equivalency, examination, supervisory, consultation, and continuing education requirements established under this act.

(2) The department of health shall also report on cost savings or expenditures to administer the provisions of this act and make recommendations regarding future reports or evaluations.

NEW SECTION. **Sec. 24.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Cody, Chair; Morrell, Vice Chair; Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Barlow; Campbell; Condotta; DeBolt; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

Referred to Committee on Appropriations.

February 27, 2008

SSB 6457 Prime Sponsor, Senate Committee on Health & Long-Term Care: Modifying disclosure provisions under the adverse health events and incident reporting system. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Morrell, Vice Chair; Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Barlow; Campbell; Condotta; DeBolt; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

Passed to Committee on Rules for second reading.

February 27, 2008

SSB 6470 Prime Sponsor, Senate Committee on Health & Long-Term Care: Training medical students, nurses, and medical technicians and assistants to work with patients with developmental disabilities. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The state of Washington promotes improving medical services to persons with developmental disabilities. Subject to the availability of amounts appropriated for this specific purpose, medical students and faculty at the University of Washington and the Pacific Northwest University of Health Sciences, nursing students and faculty at schools of nursing within the state of Washington, and special and technical care students and faculty at technical schools within the state of Washington may apply for incentive grants to support research and training projects focused upon improvement of services to persons with developmental disabilities. The grant program shall be administered by the department of social and health services. The department of social and health services shall consult with the developmental disabilities council, the state-designated protection and advocacy system, and others in the implementation of this section. By December 1, 2008, the department shall report to the appropriate committees of the legislature. The report shall include information regarding incentive grants awarded under this section, as well as any other efforts or progress in expanding or improving training for students in treating individuals with developmental disabilities.

NEW SECTION. **Sec. 2.** If specific funding for the purposes of section 1 of this act, referencing section 1 of this act by bill or chapter number and section number, is not provided by June 30, 2008, in the omnibus appropriations act, section 1 of this act is null and void."

Correct the title.

Signed by Representatives Cody, Chair; Morrell, Vice Chair; Barlow; Campbell; Green; Moeller; Pedersen and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Condotta; DeBolt and Seaquist.

Referred to Committee on Appropriations.

February 28, 2008

SB 6471 Prime Sponsor, Senator Weinstein: Protecting consumers by regulating loans under the consumer loan act and mortgage broker practices act. Reported by Committee on Insurance, Financial Services & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Kelley, Vice Chair; Roach, Ranking Minority Member; Hurst; Loomis; Rodne; Santos; Simpson and Smith.

Referred to Committee on Appropriations.

February 28, 2008

2SSB 6479 Prime Sponsor, Senate Committee on Ways & Means: Establishing a program to screen and treat children with attachment disorders. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The children's administration of the department of social and health services, in collaboration with the children's mental health evidence-based practice institute established at the University of Washington division of public behavioral health and justice policy, shall implement a pilot project in Clark county for the screening, assessment, and treatment of children with reactive attachment disorder and other attachment disorders. In developing and implementing the pilot, the department and the institute shall jointly identify evidence-based or promising practices to identify and respond to young children receiving child welfare services who are at risk of developing attachment-related conditions or problems.

(2) The department and the institute shall consider whether and how the department's current children's health and education screening tool can be utilized to identify and refer children for further assessment regarding reactive attachment disorder and other attachment disorders or problems.

(3) The pilot program shall be structured to require that treatment is provided by licensed mental health professionals; interventions are appropriate to addressing the developmental needs of children; and practices are consistent with the recommendations in the report from the American professional society on abuse of children task force on attachment therapy, reactive attachment disorder, and attachment problems.

(4) The institute, in consultation with the children's administration, shall evaluate the pilot program and make recommendations to the legislature regarding:

(a) The effectiveness of the pilot program in responding to children's needs;

(b) Whether expansion of the program or individual components of the program is likely to improve the outcomes for children being served by the child welfare system; and

(c) Other issues pertinent to the implementation and operation of the pilot program. A report is due to the legislature by December 1, 2010.

(5) To the extent funding is available, the institute also shall pursue further evaluation of promising practices to determine if a sufficient evidence basis exists for those practices to be replicated statewide in responding to children who are at risk of developing attachment-related conditions or problems.

NEW SECTION. **Sec. 2.** This act expires December 1, 2010."

Correct the title.

Signed by Representatives Kagi, Chair; Roberts, Vice Chair; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Goodman; Hinkle and Pettigrew.

Referred to Committee on Appropriations.

February 27, 2008

SB 6492 Prime Sponsor, Senator McAuliffe: Regarding public disclosure of civil confinement facility information. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Chandler, Ranking Minority Member; Kretz; Liias; Miloscia and Ormsby.

Passed to Committee on Rules for second reading.

February 28, 2008

E2SSB 6502 Prime Sponsor, Senate Committee on Ways & Means: Reducing the release of mercury into the environment. Reported by Select Committee on Environmental Health

MAJORITY recommendation: Do pass. Signed by Representatives Campbell, Chair; Hudgins, Vice Chair; Chase; Hunt; Morrell and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Sump, Ranking Minority Member; and Newhouse.

Referred to Committee on Appropriations.

February 28, 2008

SSB 6508 Prime Sponsor, Senate Committee on Water, Energy & Telecommunications: Authorizing the creation of beach management districts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 36.61.010 and 1987 c 432 s 1 are each amended to read as follows:

The legislature finds that the environmental, recreational, and aesthetic values of many of the state's lakes are threatened by eutrophication and other deterioration and that existing governmental authorities are unable to adequately improve and maintain the quality of the state's lakes.

The legislature intends that an ecosystem-based beach management approach should be used to help promote the health of aquatic ecosystems and that such a management approach be undertaken in a manner that retains ecosystem values within the state. This management approach should use long-term strategies that focus on reducing nutrient inputs from human activities affecting the aquatic ecosystem, such as decreasing nutrients into storm water sewers, decreasing fertilizer application, promoting the proper disposal of pet waste, promoting the use of vegetative borders, promoting the reduction of nutrients from on-site septic systems where appropriate, and protecting riparian areas. Organic debris, including vegetation, driftwood, seaweed, kelp, and organisms, are extremely important to beach ecosystems.

It is the purpose of this chapter to establish a governmental mechanism by which property owners can embark on a program of lake or beach improvement and maintenance for their and the general public's benefit, health, and welfare. Public property, including state property, shall be considered the same as private property in this chapter, except liens for special assessments and liens for rates and charges shall not extend to public property. Lake bottom property and marine property below the line of the ordinary high water mark shall not be considered to be benefited, shall not be subject to special assessments or rates and charges, and shall not receive voting rights under this chapter.

NEW SECTION. **Sec. 2.** A new section is added to chapter 36.61 RCW to read as follows:

(1) Beach management districts may be created for the purpose of controlling and removing aquatic plants or vegetation. These districts must develop a plan for these activities, in consultation with appropriate federal, state, and local agencies. The plan must include an element addressing nutrient loading from land use activities in a subbasin that is a tributary to the area targeted for management. The plan must be consistent with the action agenda approved by the Puget Sound partnership, where applicable.

(2) Plans for the control and removal of aquatic plants or vegetation must, to the greatest extent possible, meet the following requirements:

(a) Avoid or minimize the excess removal of living and nonliving nontarget native vegetation and organisms;

(b) Avoid or minimize management activities that will result in compacting beach sand, gravel, and substrate;

(c) Minimize adverse impacts to: (i) The project site when disposing of excessive accumulations of vegetation; and (ii) other areas of the beach or deep water environment; and

(d) Retain all natural habitat features on the beach, including retaining trees, stumps, logs, and large rocks in their natural location.

(3) Seaweed removal under this section may only occur on the shore of a saltwater body that lies between the extreme low tide and the ordinary high water mark, as those terms are defined in RCW 90.58.030.

(4) The control or removal of native aquatic plants or vegetation shall be authorized in the following areas:

(a) Beaches or near shore areas located within at least one mile of a ferry terminal that are in a county with a population of one million or more residents; and

(b) Beaches or near shore areas in a city that meets the following:

(i) Is adjacent to Puget Sound;

(ii) Has at least eighty-five thousand residents;

(iii) Shares a common boundary with a neighboring county; and

(iv) Is in a county with a population of one million or more residents.

Sec. 3. RCW 36.61.020 and 2000 c 184 s 5 are each amended to read as follows:

Any county may create lake or beach management districts to finance the improvement and maintenance of lakes or beaches located within or partially within the boundaries of the county. All or a portion of a lake or beach and the adjacent land areas may be included within one or more lake or beach management districts. More than one lake or beach, or portions of lakes or beaches, and the adjacent land areas may be included in a single lake or beach management district.

Special assessments or rates and charges may be imposed on the property included within a lake or beach management district to finance lake or beach improvement and maintenance activities, including: (1) ((~~The control or removal of~~)) Controlling or removing aquatic plants and vegetation; (2) improving water quality; (3) ((~~the control of~~)) controlling water levels; (4) treating and diverting storm water ((~~diversion and treatment~~)); (5) controlling agricultural waste ((~~control~~)); (6) studying lake or marine water quality problems and solutions; (7) cleaning and maintaining ditches and streams entering the lake or marine waters or leaving the lake; ((~~and~~)) (8) monitoring air quality; and (9) the related administrative, engineering, legal, and operational costs, including the costs of creating the lake or beach management district.

Special assessments or rates and charges may be imposed annually on all the land in a lake or beach management district for the duration of the lake or beach management district without a related issuance of lake or beach management district bonds or revenue bonds. Special assessments also may be imposed in the manner of special assessments in a local improvement district with each landowner being given the choice of paying the entire special assessment in one payment, or to paying installments, with lake or beach management district bonds being issued to obtain moneys not derived by the initial full payment of the special assessments, and the installments covering all of the costs related to issuing, selling, and redeeming the lake or beach management district bonds.

Sec. 4. RCW 36.61.025 and 2000 c 184 s 4 are each amended to read as follows:

To improve the ability of counties to finance long-term lake or beach management objectives, lake or beach management districts may be created for any needed period of time.

Sec. 5. RCW 36.61.030 and 1987 c 432 s 3 are each amended to read as follows:

A lake or beach management district may be initiated upon either the adoption of a resolution of intention by a county legislative authority or the filing of a petition signed by ten landowners or the owners of at least fifteen percent of the acreage contained within the proposed lake or beach management district, whichever is greater. A petition or resolution of intention shall set forth: (1) The nature of the lake or beach improvement or maintenance activities proposed to be financed; (2) the amount of money proposed to be raised by special assessments or rates and charges; (3) if special assessments are to be imposed, whether the special assessments will be imposed annually for the duration of the lake or beach management district, or the full special assessments will be imposed at one time, with the possibility of installments being made to finance the issuance of lake or beach management district bonds, or both methods; (4) if rates and charges are to be imposed, the annual amount of revenue proposed to be collected and whether revenue bonds payable from the rates and charges are proposed to be issued; (5) the number of years proposed for the duration of the lake or beach management district; and (6) the proposed boundaries of the lake or beach management district.

The county legislative authority may require the posting of a bond of up to five thousand dollars before the county considers the proposed creation of a lake or beach management district initiated by petition. The bond may only be used by the county to finance its costs in studying, holding hearings, making notices, preparing special assessment rolls or rolls showing the rates and charges on each parcel, and conducting elections related to the lake or beach management district if the proposed lake or beach management district is not created.

A resolution of intention shall also designate the number of the proposed lake or beach management district, and fix a date, time, and place for a public hearing on the formation of the proposed lake or beach management district. The date for the public hearing shall be at least thirty days and no more than ninety days after the adoption of the resolution of intention unless an emergency exists.

Petitions shall be filed with the county legislative authority. The county legislative authority shall determine the sufficiency of the signatures, which shall be conclusive upon all persons. No person may withdraw his or her name from a petition after it is filed. If the county legislative authority determines a petition to be sufficient and the proposed lake or beach management district appears to be in the public interest and the financing of the lake or beach improvement or maintenance activities is feasible, it shall adopt a resolution of intention, setting forth all of the details required to be included when a resolution of intention is initiated by the county legislative authority.

Sec. 6. RCW 36.61.040 and 1994 c 264 s 9 are each amended to read as follows:

Notice of the public hearing shall be published in at least two consecutive issues of a newspaper of general circulation in the proposed lake or beach management district, the date of the first publication to be at least fifteen days prior to the date fixed for the public hearing by the resolution of intention. Notice of the public hearing shall also be given to the owner or reputed owner of any lot, tract, parcel of land, or other property within the proposed lake or beach management district by mailing the notice at least fifteen days before the date fixed for the public hearing to the owner or reputed owner of the property as shown on the tax rolls of the county assessor at the address shown thereon. Notice of the public hearing shall also be mailed to the departments of fish and wildlife, natural resources, and ecology at least fifteen days before the date fixed for the public hearing.

Notices of the public hearing shall: (1) Refer to the resolution of intention; (2) designate the proposed lake or beach management district by number; (3) set forth a proposed plan describing: (a) The nature of the proposed lake or beach improvement or maintenance activities; (b) the amount of special assessments or rates and charges proposed to be raised by the lake or beach management district; (c) if special assessments are proposed to be imposed, whether the special assessments will be imposed annually for the duration of the lake or beach management district, or the full special assessments will be payable at one time, with the possibility of periodic installments being paid and lake or beach management bonds being issued, or both; (d) if rates and charges are proposed to be imposed, the annual amount of revenue proposed to be collected and whether revenue bonds payable from the rates and charges are proposed to be issued;

and (e) the proposed duration of the lake or beach management district; and (4) indicate the date, time, and place of the public hearing designated in the resolution of intention.

In the case of the notice sent to each owner or reputed owner by mail, the notice shall set forth the estimated amount of the cost of the lake or beach improvement or maintenance activities to be borne by special assessment, or annual special assessments, or rates and charges on the lot, tract, parcel of land, or other property owned by the owner or reputed owner.

If the county legislative authority has designated a committee of itself or an officer to hear complaints and make recommendations to the full county legislative authority, as provided in RCW 36.61.060, the notice shall also describe this additional step before the full county legislative authority may adopt a resolution creating the lake or beach management district.

Sec. 7. RCW 36.61.050 and 1994 c 264 s 10 are each amended to read as follows:

The county legislative authority shall hold a public hearing on the proposed lake or beach management district at the date, time, and place designated in the resolution of intention.

At this hearing the county legislative authority shall hear objections from any person affected by the formation of the lake or beach management district. Representatives of the departments of fish and wildlife, natural resources, and ecology shall be afforded opportunities to make presentations on and comment on the proposal. Members of the public shall be afforded an opportunity to comment on the proposal. The county legislative authority must consider recommendations provided to it by the departments of fish and wildlife, natural resources, and ecology. The public hearing may be extended to other times and dates declared at the public hearing. The county legislative authority may make such changes in the boundaries of the lake or beach management district or such modification in plans for the proposed lake or beach improvement or maintenance activities as it deems necessary. The county legislative authority may not change boundaries of the lake or beach management district to include property that was not included previously without first passing an amended resolution of intention and giving new notice to the owners or reputed owners of property newly included in the proposed lake or beach management district in the manner and form and within the time provided for the original notice. The county legislative authority shall not alter the plans for the proposed lake or beach improvement or maintenance activities to result in an increase in the amount of money proposed to be raised, and shall not increase the amount of money proposed to be raised, without first passing an amended resolution of intention and giving new notice to property owners in the manner and form and within the time provided for the original notice.

Sec. 8. RCW 36.61.060 and 1985 c 398 s 10 are each amended to read as follows:

A county legislative authority may adopt an ordinance providing for a committee of itself, or an officer, to hold public hearings on the proposed formation of a lake or beach management district and hear objections to the proposed formation as provided in RCW 36.61.050. The committee or officer shall make a recommendation to the full legislative authority, which need not hold a public hearing on the proposed creation of the lake or beach management district. The full county legislative authority by resolution may approve or disapprove the recommendation and submit the question of creating the lake or beach management district to the property owners as provided in RCW 36.61.070 through 36.61.100.

Sec. 9. RCW 36.61.070 and 1987 c 432 s 5 are each amended to read as follows:

After the public hearing, the county legislative authority may adopt a resolution submitting the question of creating the lake or beach management district to the owners of land within the proposed lake or beach management district, including publicly owned land, if the county legislative authority finds that it is in the public interest to create the lake or beach management district and the financing of the lake or beach improvement and maintenance activities is feasible. The resolution shall also include: (1) A plan describing the proposed lake or beach improvement and maintenance activities which avoid adverse impacts on fish and wildlife and provide for appropriate measures to protect and enhance fish and wildlife; (2) the number of years the lake or beach management district will exist; (3) the amount to be raised by special assessments or rates and charges; (4) if special assessments are to be imposed, whether the special assessments shall be imposed annually for the duration of the lake or beach management district or only once with the possibility of installments being imposed and lake or beach management bonds being issued, or both, and, if both types of special assessments are proposed to be imposed, the lake or beach improvement or maintenance activities proposed to be financed by each type of special assessment; (5) if rates and charges are to be imposed, a description of the rates and charges and the possibility of revenue bonds being issued that are payable from the rates and charges; and (6) the estimated special assessment or rate and charge proposed to be imposed on each parcel included in the proposed lake or beach management district.

No lake or beach management district may be created by a county that includes territory located in another county without the approval of the legislative authority of the other county.

Sec. 10. RCW 36.61.080 and 1987 c 432 s 6 are each amended to read as follows:

(1) A ballot shall be mailed to each owner or reputed owner of any lot, tract, parcel of land, or other property within the proposed lake management district, including publicly owned land, which ballot shall contain the following proposition:

"Shall lake management district No. . . . . be formed?
Yes . . . . . .
No . . . . . ."

(2) A ballot shall be mailed to each owner or reputed owner of any lot, tract, parcel of land, or other property within the proposed beach management district, including publicly owned land, which ballot shall contain the following proposition:

"Shall beach management district No. . . . . be formed?
Yes . . . . . .
No . . . . . ."

(3) In addition, the ballot shall contain appropriate spaces for the signatures of the landowner or landowners, or officer authorized to cast such a ballot. Each ballot shall include a description of the property owner's property and the estimated special assessment, or rate and charge, proposed to be imposed upon the property. A copy of the instructions and the resolution submitting the question to the landowners shall also be included.

Sec. 11. RCW 36.61.090 and 1987 c 432 s 7 are each amended to read as follows:

The balloting shall be subject to the following conditions, which shall be included in the instructions mailed with each ballot, as provided in RCW 36.61.080: (1) All ballots must be signed by the owner or reputed owner of property according to the assessor's tax rolls; (2) each ballot must be returned to the county legislative authority not later than ((~~five o'clock~~)) 5:00 p.m. of a specified day, which shall be at least twenty but not more than thirty days after the ballots are mailed; (3) each property owner shall mark his or her ballot for or against the creation of the proposed lake or beach management district, with the ballot weighted so that the property owner has one vote for each dollar of estimated special assessment or rate and charge proposed to be imposed on his or her property; and (4) the valid ballots shall be tabulated and a simple majority of the votes cast shall determine whether the proposed lake or beach management district shall be approved or rejected.

Sec. 12. RCW 36.61.100 and 1987 c 432 s 8 are each amended to read as follows:

If the proposal receives a simple majority vote in favor of creating the lake or beach management district, the county legislative authority shall adopt an ordinance creating the lake or beach management district and may proceed with establishing the special assessments or rates and charges, collecting the special assessments or rates and charges, and performing the lake or beach improvement or maintenance activities. If a proposed lake management district includes more than one lake and its adjacent areas, the lake management district may only be established if the proposal receives a simple majority vote in favor of creating it by the voters on each lake and its adjacent areas. The county legislative authority shall publish a notice in a newspaper of general circulation in a lake or beach management district indicating that such an ordinance has been adopted within ten days of the adoption of the ordinance.

The ballots shall be available for public inspection after they are counted.

Sec. 13. RCW 36.61.110 and 1985 c 398 s 11 are each amended to read as follows:

No lawsuit may be maintained challenging the jurisdiction or authority of the county legislative authority to proceed with the lake or beach improvement and maintenance activities and creating the lake or beach management district or in any way challenging the validity of the actions or decisions or any proceedings relating to the actions or decisions unless the lawsuit is served and filed no later than forty days after publication of a notice that the ordinance has been adopted ordering the lake or beach improvement and maintenance activities and creating the lake or beach management district. Written notice of the appeal shall be filed with the county legislative authority and clerk of the superior court in the county in which the property is situated.

Sec. 14. RCW 36.61.115 and 1987 c 432 s 9 are each amended to read as follows:

A special assessment, or rate and charge, on any lot, tract, parcel of land, or other property shall not be increased beyond one hundred ten percent of the estimated special assessment, or rate and charge, proposed to be imposed as provided in the resolution adopted in RCW 36.61.070, unless the creation of a lake or beach management district is approved under another mailed ballot election that reflects the weighted voting arising from such increases.

Sec. 15. RCW 36.61.120 and 1985 c 398 s 12 are each amended to read as follows:

After a lake or beach management district is created, the county shall prepare a proposed special assessment roll. A separate special assessment roll shall be prepared for annual special assessments if both annual special assessments and special assessments paid at one time are imposed. The proposed special assessment roll shall list: (1) Each separate lot, tract, parcel of land, or other property in the lake or beach management district; (2) the acreage of such property, and the number of feet of lake or beach frontage, if any; (3) the name and address of the owner or reputed owner of each lot, tract, parcel of land, or other property as shown on the tax rolls of the county assessor; and (4) the special assessment proposed to be imposed on each lot, tract, parcel of land, or other property, or the annual special assessments proposed to be imposed on each lot, tract, parcel of land, or other property.

At the time, date, and place fixed for a public hearing, the county legislative authority shall act as a board of equalization and hear objections to the special assessment roll, and at the times to which the public hearing may be adjourned, the county legislative authority may correct, revise, raise, lower, change, or modify the special assessment roll or any part thereof, or set the proposed special assessment roll aside and order a new proposed special assessment roll to be prepared. The county legislative authority shall confirm and approve a special assessment roll by adoption of a resolution.

If a proposed special assessment roll is amended to raise any special assessment appearing thereon or to include omitted property, a new public hearing shall be held. The new public hearing shall be limited to considering the increased special assessments or omitted property. Notices shall be sent to the owners or reputed owners of the affected property in the same manner and form and within the time provided for the original notice.

Objections to a proposed special assessment roll must be made in writing, shall clearly state the grounds for objections, and shall be filed with the governing body prior to the public hearing. Objections to a special assessment or annual special assessments that are not made as provided in this section shall be deemed waived and shall not be considered by the governing body or a court on appeal.

Sec. 16. RCW 36.61.140 and 1985 c 398 s 14 are each amended to read as follows:

Notice of the original public hearing on the proposed special assessment roll, and any public hearing held as a result of raising special assessments or including omitted property, shall be published and mailed to the owner or reputed owner of the property as provided in RCW 36.61.040 for the public hearing on the formation of the lake or beach management district. However, the notice need only provide the total amount to be collected by the special assessment roll and shall state that: (1) A public hearing on the proposed special assessment roll will be held, giving the time, date, and place of the public hearing; (2) the proposed special assessment roll is available for public perusal, giving the times and location where the proposed special assessment roll is available for public perusal; (3) objections to the proposed special assessment must be in writing, include clear grounds for objections, and must be filed prior to the public hearing; and (4) failure to so object shall be deemed to waive an objection.

Notices mailed to the owners or reputed owners shall additionally indicate the amount of special assessment ascribed to the particular lot, tract, parcel of land, or other property owned by the person so notified.

Sec. 17. RCW 36.61.160 and 1987 c 432 s 10 are each amended to read as follows:

Whenever special assessments are imposed, all property included within a lake or beach management district shall be considered to be the property specially benefited by the lake or beach improvement or maintenance activities and shall be the property upon which special assessments are imposed to pay the costs and expenses of the lake or beach improvement or maintenance activities, or such part of the costs and expenses as may be chargeable against the property specially benefited. The special assessments shall be imposed on property in accordance with the special benefits conferred on the property up to but not in excess of the total costs and expenses of the lake or beach improvement or maintenance activities as provided in the special assessment roll.

Special assessments may be measured by front footage, acreage, the extent of improvements on the property, or any other factors that are deemed to fairly reflect special benefits, including those authorized under RCW 35.51.030. Special assessments may be calculated by using more than one factor. Zones around the public improvement may be used that reflect different levels of benefit in each zone that are measured by a front footage, acreage, the extent of improvements, or other factors.

Public property, including property owned by the state of Washington, shall be subject to special assessments to the same extent that private property is subject to the special assessments, except no lien shall extend to public property.

Sec. 18. RCW 36.61.170 and 1985 c 398 s 17 are each amended to read as follows:

The total annual special assessments may not exceed the estimated cost of the lake or beach improvement or maintenance activities proposed to be financed by such special assessments, as specified in the resolution of intention. The total of special assessments imposed in a lake or beach management district that are of the nature of special assessments imposed in a local improvement district shall not exceed one hundred fifty percent of the estimated total cost of the lake or beach improvement or maintenance activities that are proposed to be financed by the lake or beach management district as specified in the resolution of intention. After a lake or beach management district has been created, the resolution of intention may be amended to increase the amount to be financed by the lake or beach management district by using the same procedure in which a lake or beach management district is created.

Sec. 19. RCW 36.61.190 and 1985 c 398 s 19 are each amended to read as follows:

Special assessments and installments on any special assessment shall be collected by the county treasurer.

The county treasurer shall publish a notice indicating that the special assessment roll has been confirmed and that the special assessments are to be collected. The notice shall indicate the duration of the lake or beach management district and shall describe whether the special assessments will be paid in annual payments for the duration of the lake or beach management district, or whether the full special assessments will be payable at one time, with the possibility of periodic installments being paid and lake or beach management bonds being issued, or both.

If the special assessments are to be payable at one time, the notice additionally shall indicate that all or any portion of the special assessments may be paid within thirty days from the date of publication of the first notice without penalty or interest. This notice shall be published in a newspaper of general circulation in the lake or beach management district.

Within ten days of the first newspaper publication, the county treasurer shall notify each owner or reputed owner of property whose name appears on the special assessment roll, at the address shown on the special assessment roll, for each item of property described on the list: (1) Whether one special assessment payable at one time or special assessments payable annually have been imposed; (2) the amount of the property subject to the special assessment or annual special assessments; and (3) the total amount of the special assessment due at one time, or annual amount of special assessments due. If the special assessment is due at one time, the notice shall also describe the thirty-day period during which the special assessment may be paid without penalty, interest, or cost.

Sec. 20. RCW 36.61.200 and 1985 c 398 s 20 are each amended to read as follows:

If the special assessments are to be payable at one time, all or any portion of any special assessment may be paid without interest, penalty, or costs during this thirty-day period and placed into a special fund to defray the costs of the lake or beach improvement or maintenance activities. The remainder shall be paid in installments as provided in a resolution adopted by the county legislative authority, but the last installment shall be due at least two years before the maximum term of the bonds issued to pay for the improvements or maintenance. The installments shall include amounts sufficient to redeem the bonds issued to pay for the lake or beach improvement and maintenance activities. A twenty-day period shall be allowed after the due date of any installment within which no interest, penalty, or costs on the installment may be imposed.

The county shall establish by ordinance an amount of interest that will be imposed on late special assessments imposed annually or at once, and on installments of a special assessment. The ordinance shall also specify the penalty, in addition to the interest, that will be imposed on a late annual special assessment, special assessment, or installment which shall not be less than five percent of the delinquent special assessment or installment.

The owner of any lot, tract, parcel of land, or other property charged with a special assessment may redeem it from all liability for the unpaid amount of the installments by paying, to the county treasurer, the remaining portion of the installments that is attributable to principal on the lake or beach management district bonds.

Sec. 21. RCW 36.61.220 and 1985 c 398 s 22 are each amended to read as follows:

Within fifteen days after a county creates a lake or beach management district, the county shall cause to be filed with the county treasurer, a description of the lake or beach improvement and maintenance activities proposed that the lake or beach management district finances, the lake or beach management district number, and a copy of the diagram or print showing the boundaries of the lake or beach management district and preliminary special assessment roll or abstract of same showing thereon the lots, tracts, parcels of land, and other property that will be specially benefited thereby and the estimated cost and expense of such lake or beach improvement and maintenance activities to be borne by each lot, tract, parcel of land, or other property. The treasurer shall immediately post the proposed special assessment roll upon his or her index of special assessments against the properties affected by the lake or beach improvement or maintenance activities.

Sec. 22. RCW 36.61.230 and 1985 c 398 s 23 are each amended to read as follows:

The special assessment or annual special assessments imposed upon the respective lots, tracts, parcels of land, and other property in the special assessment roll or annual special assessment roll confirmed by resolution of the county legislative authority for the purpose of paying the cost and expense in whole or in part of any lake or beach improvement or maintenance activities shall be a lien upon the property assessed from the time the special assessment roll is placed in the hands of the county treasurer for collection, but as between the grantor and grantee, or vendor and vendee of any real property, when there is no express agreement as to payment of the special assessments against the real property, the lien of such special assessments shall attach thirty days after the filing of the diagram or print and the estimated cost and expense of such lake or beach improvement or maintenance activities to be borne by each lot, tract, parcel of land, or other property, as provided in RCW 36.61.220. Interest and penalty shall be included in and shall be a part of the special assessment lien. No lien shall extend to public property subjected to special assessments.

The special assessment lien shall be paramount and superior to any other lien or encumbrance theretofore or thereafter created except a lien for general taxes.

Sec. 23. RCW 36.61.260 and 2000 c 184 s 6 are each amended to read as follows:

(1) Counties may issue lake or beach management district bonds in accordance with this section. Lake or beach management district bonds may be issued to obtain money sufficient to cover that portion of the special assessments that are not paid within the thirty-day period provided in RCW 36.61.190.

Whenever lake or beach management district bonds are proposed to be issued, the county legislative authority shall create a special fund or funds for the lake or beach management district from which all or a portion of the costs of the lake or beach improvement and maintenance activities shall be paid. Lake or beach management district bonds shall not be issued in excess of the costs and expenses of the lake or beach improvement and maintenance activities and shall not be issued prior to twenty days after the thirty days allowed for the payment of special assessments without interest or penalties.

Lake or beach management district bonds shall be exclusively payable from the special fund or funds and from a guaranty fund that the county may have created out of a portion of proceeds from the sale of the lake or beach management district bonds.

(2) Lake or beach management district bonds shall not constitute a general indebtedness of the county issuing the bond nor an obligation, general or special, of the state. The owner of any lake or beach management district bond shall not have any claim for the payment thereof against the county that issues the bonds except for payment from the special assessments made for the lake or beach improvement or maintenance activities for which the lake or beach management district bond was issued and from a lake or beach management district guaranty fund that may have been created. The county shall not be liable to the owner of any lake or beach management district bond for any loss to the lake or beach management district guaranty fund occurring in the lawful operation of the fund. The owner of a lake or beach management district bond shall not have any claim against the state arising from the lake or beach management district bond, special assessments, or guaranty fund. Tax revenues shall not be used to secure or guarantee the payment of the principal of or interest on lake or beach management district bonds.

The substance of the limitations included in this subsection shall be plainly printed, written, engraved, or reproduced on: (a) Each lake or beach management district bond that is a physical instrument; (b) the official notice of sale; and (c) each official statement associated with the lake or beach management district bonds.

(3) If the county fails to make any principal or interest payments on any lake or beach management district bond or to promptly collect any special assessment securing the bonds when due, the owner of the lake or beach management district bond may obtain a writ of mandamus from any court of competent jurisdiction requiring the county to collect the special assessments, foreclose on the related lien, and make payments out of the special fund or guaranty fund if one exists. Any number of owners of lake or beach management districts may join as plaintiffs.

(4) A county may create a lake or beach management district bond guaranty fund for each issue of lake or beach management district bonds. The guaranty fund shall only exist for the life of the lake or beach management district bonds with which it is associated. A portion of the bond proceeds may be placed into a guaranty fund. Unused moneys remaining in the guaranty fund during the last two years of the installments shall be used to proportionally reduce the required level of installments and shall be transferred into the special fund into which installment payments are placed.

(5) Lake or beach management district bonds shall be issued and sold in accordance with chapter 39.46 RCW. The authority to create a special fund or funds shall include the authority to create accounts within a fund.

Sec. 24. RCW 36.61.270 and 1987 c 432 s 11 are each amended to read as follows:

Whenever rates and charges are to be imposed in a lake or beach management district, the county legislative authority shall prepare a roll of rates and charges that includes those matters required to be included in a special assessment roll and shall hold a public hearing on the proposed roll of rates and charges as provided under RCW 36.61.120 through 36.61.150 for a special assessment roll. The county legislative authority shall have full jurisdiction and authority to fix, alter, regulate, and control the rates and charges imposed by a lake or beach management district and may classify the rates or charges by any reasonable factor or factors, including benefit, use, front footage, acreage, the extent of improvements on the property, the type of improvements on the property, uses to which the property is put, service to be provided, and any other reasonable factor or factors. The flexibility to establish rates and charges includes the authority to reduce rates and charges on property owned by low-income persons.

Except as provided in this section, the collection of rates and charges, lien status of unpaid rates and charges, and method of foreclosing on such liens shall be subject to the provisions of chapter 36.94 RCW. Public property, including state property, shall be subject to the rates and charges to the same extent that private property is subject to them, except that liens may not be foreclosed on the public property, and the procedure for imposing such rates and charges on state property shall conform with the procedure provided for in chapter 79.44 RCW concerning the imposition of special assessments upon state property. The total amount of rates and charges cannot exceed the cost of lake or beach improvement or maintenance activities proposed to be financed by such rates and charges, as specified in the resolution of intention. Revenue bonds exclusively payable from the rates and charges may be issued by the county under chapter 39.46 RCW.

Sec. 25. RCW 36.94.020 and 1997 c 447 s 11 are each amended to read as follows:

The construction, operation, and maintenance of a system of sewerage and/or water is a county purpose. Subject to the provisions of this chapter, every county has the power, individually or in conjunction with another county or counties to adopt, provide for, accept, establish, condemn, purchase, construct, add to, operate, and maintain a system or systems of sanitary and storm sewers, including outfalls, interceptors, plans, and facilities and services necessary for sewerage treatment and disposal, and/or system or systems of water supply within all or a portion of the county. However, counties shall not have power to condemn sewerage and/or water systems of any municipal corporation or private utility.

Such county or counties shall have the authority to control, regulate, operate, and manage such system or systems and to provide funds therefor by general obligation bonds, revenue bonds, local improvement district bonds, utility local improvement district or local improvement district assessments, and in any other lawful fiscal manner. Rates or charges for on-site inspection and maintenance services may not be imposed under this chapter on the development, construction, or reconstruction of property.

Under this chapter, after July 1, 1998, any requirements for pumping the septic tank of an on-site sewage system should be based, among other things, on actual measurement of accumulation of sludge and scum by a trained inspector, trained owner's agent, or trained owner. Training must occur in a program approved by the state board of health or by a local health officer.

Before adopting on-site inspection and maintenance utility services, or incorporating residences into an on-site inspection and maintenance or sewer utility under this chapter, notification must be provided, prior to the applicable public hearing, to all residences within the proposed service area that have on-site systems permitted by the local health officer. The notice must clearly state that the residence is within the proposed service area and must provide information on estimated rates or charges that may be imposed for the service.

A county shall not provide on-site sewage system inspection, pumping services, or other maintenance or repair services under this section using county employees unless the on-site system is connected by a publicly owned collection system to the county's sewerage system, and the on-site system represents the first step in the sewage disposal process. Nothing in this section shall affect the authority of a state or local health officer to carry out their responsibilities under any other applicable law.

A county may, as part of a system of sewerage established under this chapter, provide for, finance, and operate any of the facilities and services and may exercise the powers expressly authorized for county storm water, flood control, pollution prevention, and drainage services and activities under chapters 36.89, 86.12, 86.13, and 86.15 RCW. A county also may provide for, finance, and operate the facilities and services and may exercise any of the powers authorized for aquifer protection areas under chapter 36.36 RCW; for lake or beach management districts under chapter 36.61 RCW; for diking districts, and diking, drainage, and sewerage improvement districts under chapters 85.05, 85.08, 85.15, 85.16, and 85.18 RCW; and for shellfish protection districts under chapter 90.72 RCW. However, if a county by reference to any of those statutes assumes as part of its system of sewerage any powers granted to such areas or districts and not otherwise available to a county under this chapter, then (1) the procedures and restrictions applicable to those areas or districts apply to the county's exercise of those powers, and (2) the county may not simultaneously impose rates and charges under this chapter and under the statutes authorizing such areas or districts for substantially the same facilities and services, but must instead impose uniform rates and charges consistent with RCW 36.94.140. By agreement with such an area or district that is not part of a county's system of sewerage, a county may operate that area's or district's services or facilities, but a county may not dissolve any existing area or district except in accordance with any applicable provisions of the statute under which that area or district was created.

Sec. 26. RCW 39.34.190 and 2003 c 327 s 2 are each amended to read as follows:

(1) The legislative authority of a city or county and the governing body of any special purpose district enumerated in subsection (2) of this section may authorize up to ten percent of its water-related revenues to be expended in the implementation of watershed management plan projects or activities that are in addition to the county's, city's, or district's existing water-related services or activities. Such limitation on expenditures shall not apply ((~~to additional revenues for watershed plan implementation that are authorized by voter approval under section 5 of this act or~~)) to water-related revenues of a public utility district organized according to Title 54 RCW. Water-related revenues include rates, charges, and fees for the provision of services relating to water supply, treatment, distribution, and management generally, and those general revenues of the local government that are expended for water management purposes. A local government may not expend for this purpose any revenues that were authorized by voter approval for other specified purposes or that are specifically dedicated to the repayment of municipal bonds or other debt instruments.

(2) The following special purpose districts may exercise the authority provided by this section:

(a) Water districts, sewer districts, and water-sewer districts organized under Title 57 RCW;

(b) Public utility districts organized under Title 54 RCW;

(c) Irrigation, reclamation, conservation, and similar districts organized under Titles 87 and 89 RCW;

(d) Port districts organized under Title 53 RCW;

(e) Diking, drainage, and similar districts organized under Title 85 RCW;

(f) Flood control and similar districts organized under Title 86 RCW;

(g) Lake or beach management districts organized under chapter 36.61 RCW;

(h) Aquifer protection areas organized under chapter 36.36 RCW; and

(i) Shellfish protection districts organized under chapter 90.72 RCW.

(3) The authority for expenditure of local government revenues provided by this section shall be applicable broadly to the implementation of watershed management plans addressing water supply, water transmission, water quality treatment or protection, or any other water-related purposes. Such plans include but are not limited to plans developed under the following authorities:

(a) Watershed plans developed under chapter 90.82 RCW;

(b) Salmon recovery plans developed under chapter 77.85 RCW;

(c) Watershed management elements of comprehensive land use plans developed under the growth management act, chapter 36.70A RCW;

(d) Watershed management elements of shoreline master programs developed under the shoreline management act, chapter 90.58 RCW;

(e) Nonpoint pollution action plans developed under the Puget Sound water quality management planning authorities of chapter 90.71 RCW and chapter 400-12 WAC;

(f) Other comprehensive management plans addressing watershed health at a WRIA level or sub-WRIA basin drainage level;

(g) Coordinated water system plans under chapter 70.116 RCW and similar regional plans for water supply; and

(h) Any combination of the foregoing plans in an integrated watershed management plan.

(4) The authority provided by this section to expend revenues for watershed management plan implementation shall be construed broadly to include, but not be limited to:

(a) The coordination and oversight of plan implementation, including funding a watershed management partnership for this purpose;

(b) Technical support, monitoring, and data collection and analysis;

(c) The design, development, construction, and operation of projects included in the plan; and

(d) Conducting activities and programs included as elements in the plan.

Sec. 27. RCW 86.09.151 and 1986 c 278 s 52 are each amended to read as follows:

(1) Said flood control districts shall have full authority to carry out the objects of their creation and to that end are authorized to acquire, purchase, hold, lease, manage, improve, repair, occupy, and sell real and personal property or any interest therein, either inside or outside the boundaries of the district, to enter into and perform any and all necessary contracts, to appoint and employ the necessary officers, agents and employees, to sue and be sued, to exercise the right of eminent domain, to levy and enforce the collection of special assessments and in the manner herein provided against the lands within the district, for district revenues, and to do any and all lawful acts required and expedient to carry out the purpose of this chapter.

(2) In addition to the powers conferred in this chapter and those in chapter 85.38 RCW, flood control districts may engage in activities authorized under RCW 36.61.020 for lake or beach management districts using procedures granted in this chapter and in chapter 85.38 RCW.

Sec. 28. RCW 35.21.403 and 1985 c 398 s 27 are each amended to read as follows:

Any city or town may establish lake and beach management districts within its boundaries as provided in chapter 36.61 RCW. When a city or town establishes a lake or beach management district pursuant to chapter 36.61 RCW, the term "county legislative authority" shall be deemed to mean the city or town governing body, the term "county" shall be deemed to mean the city or town, and the term "county treasurer" shall be deemed to mean the city or town treasurer or other fiscal officer.

NEW SECTION. **Sec. 29.** A new section is added to chapter 43.21A RCW to read as follows:

(1) The department shall, within available funds, provide technical assistance to community groups and county and city legislative authorities requesting assistance with the development of beach management programs. The department shall work with the departments of fish and wildlife and natural resources and the Puget Sound partnership in coordinating agency assistance to community groups and county and city legislative authorities.

(2) The department shall coordinate with relevant state agencies and marine resources committees established in the area of beach management districts to provide technical assistance to beach management districts.

(3) The department shall, within available funds, coordinate with relevant state agencies to provide technical assistance to beach management districts so that beach management districts are able to ensure that proposed beach improvement and maintenance plans and activities of these districts are consistent with applicable federal, state, and local laws, and federal, state, and local resource management plans including, but not limited to:

(a) Shoreline master programs;

(b) Development regulations adopted to protect critical areas;

(c) State and federally identified habitat conservation plans and species recovery plans;

(d) State marine species management plans; and

(e) Shoreline and nearshore protection and restoration plans.

(4) The department, in consultation with the Puget Sound partnership, shall monitor and assess the results of the removal of native aquatic plants and vegetation in areas designated in section 2(4) of this act, and provide recommendations regarding areas for future designations.

NEW SECTION. **Sec. 30.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Simpson, Chair; Takko, Vice Chair; Warnick, Ranking Minority Member; Eddy and Nelson.

MINORITY recommendation: Without recommendation. Signed by Representatives Schindler, Assistant Ranking Minority Member; and Schmick.

Referred to Committee on Appropriations Subcommittee on General Government & Audit Review.

February 27, 2008

SB 6531 Prime Sponsor, Senator Haugen: Addressing environmental mitigation in highway construction. Reported by Committee on Ecology & Parks

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 47.01 RCW to read as follows:

For highway construction projects where agricultural lands of long-term commercial significance will be considered for environmental mitigation, in the process of reviewing and selecting sites to meet these mitigation requirements under the national environmental policy act (42 U.S.C. Sec. 4321 et seq.) and chapter 43.21C RCW, the department shall, to the greatest extent possible, consider using state and local public land first.

If state and local public lands are not available that meet the required environmental mitigation needs, the department may use other sites while making every effort to avoid any net loss of

agricultural lands that have a designation of long-term commercial significance."

Correct the title.

Signed by Representatives Upthegrove, Chair; Rolfes, Vice Chair; Sump, Ranking Minority Member; Dickerson; Eickmeyer; Kristiansen; O'Brien and Pearson.

Referred to Committee on Transportation.

February 28, 2008

SB 6534 Prime Sponsor, Senator McAuliffe: Regarding the revision of mathematics standards. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chair; Barlow, Vice Chair; Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Haigh; Liias; Roach; Santos and Sullivan.

Passed to Committee on Rules for second reading.

February 28, 2008

SSB 6548 Prime Sponsor, Senate Committee on Human Services & Corrections: Controlling computer access by residents at the special commitment center and persons released to less restrictive alternatives. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Dickerson, Chair; Ahern, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Bailey; Darneille; McCoy and O'Brien.

MINORITY recommendation: Without recommendation. Signed by Representative Roberts, Vice Chair.

Passed to Committee on Rules for second reading.

February 28, 2008

ESSB 6560 Prime Sponsor, Senate Committee on Water, Energy & Telecommunications: Increasing public utility district bid limits. (REVISED FOR ENGROSSED: Regarding public utility district contracts.) Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass as amended.

On page 3, line 18, after "dollars" insert "per calendar month"

On page 3, line 19, after "dollars" insert "per calendar month"

Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Chandler, Ranking Minority Member; Kretz; Liias; Miloscia and Ormsby.

Passed to Committee on Rules for second reading.

February 28, 2008

SSB 6572 Prime Sponsor, Senate Committee on Labor, Commerce, Research & Development: Allowing microbreweries to maintain off-premises warehouses for distribution. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

February 28, 2008

ESSB 6606 Prime Sponsor, Senate Committee on Labor, Commerce, Research & Development: Requiring the licensing of home inspectors. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

On page 2, after line 24, insert the following:
"(3) The director may begin issuing licenses under this section beginning on July 1, 2009."

On page 4, beginning on line 3, strike all of subsection (2)

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

On page 4, beginning on line 30, strike all of subsection (2)

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

On page 5, line 11, after "RENEWAL." strike "(1)"

On page 5, line 12, after "on the" strike "last day of the month the license was issued" and insert "applicant's second birthday following issuance of the license"

On page 5, beginning on line 14, strike all of subsections (2) and (3)

On page 7, line 9, after "All" strike "fees, fines, and penalties" and insert "fines and penalties"

On page 7, after line 12, insert the following:

"NEW SECTION. **Sec. 15.** The uniform regulation of business and professions act, chapter 18.235 RCW, governs unlicensed

practice, the issuance and denial of licenses, and the discipline of licensees under this chapter."

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

On page 8, after line 11, insert the following:

"**Sec. 20.** RCW 18.235.020 and 2007 c 256 s 12 are each amended to read as follows:

(1) This chapter applies only to the director and the boards and commissions having jurisdiction in relation to the businesses and professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The director has authority under this chapter in relation to the following businesses and professions:

(i) Auctioneers under chapter 18.11 RCW;

(ii) Bail bond agents and bail bond recovery agents under chapter 18.185 RCW;

(iii) Camping resorts' operators and salespersons under chapter 19.105 RCW;

(iv) Commercial telephone solicitors under chapter 19.158 RCW;

(v) Cosmetologists, barbers, manicurists, and estheticians under chapter 18.16 RCW;

(vi) Court reporters under chapter 18.145 RCW;

(vii) Driver training schools and instructors under chapter 46.82 RCW;

(viii) Employment agencies under chapter 19.31 RCW;

(ix) For hire vehicle operators under chapter 46.72 RCW;

(x) Limousines under chapter 46.72A RCW;

(xi) Notaries public under chapter 42.44 RCW;

(xii) Private investigators under chapter 18.165 RCW;

(xiii) Professional boxing, martial arts, and wrestling under chapter 67.08 RCW;

(xiv) Real estate appraisers under chapter 18.140 RCW;

(xv) Real estate brokers and salespersons under chapters 18.85 and 18.86 RCW;

(xvi) Security guards under chapter 18.170 RCW;

(xvii) Sellers of travel under chapter 19.138 RCW;

(xviii) Timeshares and timeshare salespersons under chapter 64.36 RCW; ((~~and~~))

(xix) Whitewater river outfitters under chapter 79A.60 RCW; and

(xx) Home inspectors under chapter 18.-- RCW (the new chapter created in section 23 of this act).

(b) The boards and commissions having authority under this chapter are as follows:

(i) The state board of registration for architects established in chapter 18.08 RCW;

(ii) The cemetery board established in chapter 68.05 RCW;

(iii) The Washington state collection agency board established in chapter 19.16 RCW;

(iv) The state board of registration for professional engineers and land surveyors established in chapter 18.43 RCW governing licenses issued under chapters 18.43 and 18.210 RCW;

(v) The state board of funeral directors and embalmers established in chapter 18.39 RCW;

(vi) The state board of registration for landscape architects established in chapter 18.96 RCW; and

(vii) The state geologist licensing board established in chapter 18.220 RCW.

(3) In addition to the authority to discipline license holders, the disciplinary authority may grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered under RCW 18.235.110 by the disciplinary authority."

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

Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Crouse; Green; Moeller and Williams.

Referred to Committee on Appropriations.

February 27, 2008

SSB 6607 Prime Sponsor, Senate Committee on Water, Energy & Telecommunications: Regarding shellfish protection district wastewater discharge fees, rates, and charges. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 90.72.030 and 2007 c 150 s 1 are each amended to read as follows:

The legislative authority of each county having shellfish tidelands within its boundaries is authorized to establish a shellfish protection district to include areas in which nonpoint pollution threatens the water quality upon which the continuation or restoration of shellfish farming or harvesting is dependent. The legislative authority shall constitute the governing body of the district and shall adopt a shellfish protection program with elements and activities to be effective within the district. The legislative authority may appoint a local advisory council to advise the legislative authority in preparation and implementation of shellfish protection programs. This program shall include any elements deemed appropriate to deal with the nonpoint pollution threatening water quality over shellfish tidelands, including, but not limited to, requiring the elimination or decrease of contaminants in storm water runoff, establishing monitoring, inspection, and repair elements to ensure that on-site sewage systems are adequately maintained and working properly, assuring that animal grazing and manure management practices are consistent with best management practices, and establishing educational and public involvement programs to inform citizens on the causes of the threatening nonpoint pollution and what they can do to decrease the amount of such pollution. The county legislative authority shall consult with the department of health, the department of ecology, the department of agriculture, or the conservation commission as appropriate as to the elements of the program. An element may be omitted where another program is effectively

addressing those sources of nonpoint water pollution. Within the limits of RCW 90.72.040 and 90.72.070, the county legislative authority shall have full jurisdiction and authority to manage, regulate, and control its programs and to fix, alter, regulate, and control the fees for services provided and charges or rates as provided under those programs. Programs established under this chapter, may, but are not required to, be part of a system of sewerage as defined in RCW 36.94.010.

Sec. 2. RCW 90.72.045 and 2007 c 150 s 2 are each amended to read as follows:

The county legislative authority shall create a shellfish protection district and establish a shellfish protection program developed under RCW 90.72.030 or an equivalent program to address the causes or suspected causes of pollution within one hundred eighty days after the department of health, because of water quality degradation due to ongoing nonpoint sources of pollution has closed or downgraded the classification of a recreational or commercial shellfish growing area within the boundaries of the county. The county legislative authority shall initiate implementation of the shellfish protection program within sixty days after it is established.

A copy of the program must be provided to the departments of health, ecology, and agriculture. An agency that has regulatory authority for any of the sources of nonpoint pollution covered by the program shall cooperate with the county in its implementation. The county legislative authority shall submit a written report to the department of health annually that describes the status and progress of the program. If rates or fees are collected under RCW 90.72.070 for implementation of the shellfish protection district program, the annual report shall provide sufficient detail of the expenditure of the revenue collected to ensure compliance with RCW 90.72.070.

Sec. 3. RCW 90.72.070 and 1992 c 100 s 6 are each amended to read as follows:

The county legislative authority establishing a shellfish protection district may finance the protection program through (1) county tax revenues, (2) reasonable inspection fees and similar fees for services provided, (3) reasonable charges or rates specified in its protection program, or (4) federal, state, or private grants. ((~~Confined animal feeding operations subject to the national pollutant discharge elimination system and implementing regulations shall not be subject to fees, rates, or charges by a shellfish protection district.~~)) A dairy animal feeding operation with a certified dairy nutrient management plan as required in chapter 90.64 RCW and any other commercial agricultural operation on agricultural lands as defined in RCW 36.70A.030 shall be subject to fees, rates, or charges by a shellfish protection district of no more than five hundred dollars in a calendar year. Facilities permitted and assessed fees for wastewater discharge under the national pollutant discharge elimination system shall not be subject to fees, rates, or charges for wastewater discharge by a shellfish protection district. Lands classified as forest land under chapter 84.33 RCW and timber land under chapter 84.34 RCW shall not be subject to fees, rates, or charges by a shellfish protection district. Counties may collect charges or rates in the manner determined by the county legislative authority."

Correct the title.

Signed by Representatives Blake, Chair; Van De Wege, Vice Chair; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Eickmeyer; Grant; Lantz; Loomis; McCoy; Nelson; Newhouse and Orcutt.

Passed to Committee on Rules for second reading.

February 28, 2008

SSB 6609 Prime Sponsor, Senate Committee on Government Operations & Elections: Limiting the charge for permits for specialty agricultural buildings. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Takko, Vice Chair; Warnick, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Eddy and Nelson.

MINORITY recommendation: Without recommendation. Signed by Representative Schmick.

Passed to Committee on Rules for second reading.

February 28, 2008

SSB 6620 Prime Sponsor, Senate Committee on Water, Energy & Telecommunications: Regarding biological remediation technologies for on-site sewage disposal systems. Reported by Select Committee on Environmental Health

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that discharges from failing on-site sewage systems are a serious cause of pollution in Washington's waterways, including Hood Canal, and a continuing threat to public health and the shellfish industry. The financial cost for many homeowners to fix failing or outdated on-site sewage systems may be prohibitive.

The legislature recognizes new technologies may have the potential to assist homeowners who wish to repair or upgrade their on-site sewage disposal systems. However, regulatory barriers may inhibit homeowner's access to these new technologies.

It is the intent of the legislature to assist homeowners to voluntarily upgrade or repair their failing on-site sewage disposal systems by removing regulatory barriers to access of new technologies for on-site sewage systems.

Sec. 2. RCW 70.118.020 and 1994 c 281 s 2 are each amended to read as follows:

((~~As used~~)) The definitions in this section apply throughout this chapter((~~, the terms defined in this section shall have the meanings indicated~~)) unless the context clearly ((~~indicates~~)) requires otherwise.

(1) "Nonwater-carried sewage disposal devices" means any device that stores and treats nonwater-carried human urine and feces.

(2) "Alternative methods of effluent disposal" means systems approved by the department ((~~of health~~)), including at least, mound

systems, alternating drainfields, anaerobic filters, evapotranspiration systems, and aerobic systems.

(3) "Failure" means: (a) Effluent has been discharged on the surface of the ground prior to approved treatment; or (b) effluent has percolated to the surface of the ground; or (c) effluent has contaminated or threatens to contaminate a groundwater supply.

(4) "Additive" means any commercial product intended to affect the performance or aesthetics of an on-site sewage disposal system.

(5) "Department" means the department of health.

(6) "On-site sewage disposal system" means any system of piping, treatment devices, or other facilities that convey, store, treat, or dispose of sewage on the property where it originates or on nearby property under the control of the user where the system is not connected to a public sewer system. For purposes of this chapter, an on-site sewage disposal system does not include indoor plumbing and associated fixtures.

(7) "Chemical additive" means those additives containing acids, bases, or other chemicals deemed unsafe by the department for use in an on-site sewage disposal system.

(8) "Additive manufacturer" means any person who manufactures, formulates, blends, packages, or repackages an additive product for sale, use, or distribution within the state.

(9) "Repair" means relocation, replacement, or reconstruction of a failed on-site sewage disposal system.

(10) "Biological remediation" includes: (a) A process that uses microorganisms to return a contaminated environment, including a drainfield or soil dispersal component, to a state of nonfailure; or (b) a process that uses microorganisms to sufficiently increase the infiltration rate through and into the soil below the infiltrative surface of a clogged infiltrative surface on-site sewage disposal system.

NEW SECTION. **Sec. 3.** (1) Manufacturers of biological remediation technologies for use in the recovery of failed drainfields of on-site sewage disposal systems must provide documentation of verified product performance as required in (a) or (b) of this subsection to the local health jurisdiction where the product will be installed. Manufacturers of biological remediation technologies for use in the recovery of failed drainfields of on-site sewage disposal systems are not required to register their proprietary treatment products with the department if the following conditions are met:

(a) Product performance is verified through product testing using international association of plumbing and mechanical officials guide criteria standard 180-2003, or an equivalent standard, which relates to aerobic bacterial generators for insert into septic tanks, grease interceptors, and grease traps; and

(i) Product performance is verified through product testing conducted by a testing facility conforming with the American national standards institute requirements;

(ii) The biological component of the product meets the conditions of RCW 70.118.060 relating to additive regulation; and

(iii) The biological remediation technology is used solely for the purpose of remedying or fixing a clogged infiltrative surface in a failed on-site sewage disposal system; or

(b) Third-party field testing conducted in or out of Washington state, accredited by the American national standards institute, university testing data, or a department-approved entity, showing remediation of a failed drainfield within ninety days; and

(i) Product performance is verified through product testing conducted by a testing facility conforming with the American national standards institute requirements;

(ii) The biological component of the product meets the conditions of RCW 70.118.060 relating to additive regulation; and

(iii) The biological remediation technology is used solely for the purpose of remedying or fixing a clogged infiltrative surface in a failed on-site sewage disposal system.

(2) The definitions in RCW 70.118.020 apply throughout this section.

NEW SECTION. **Sec. 4.** A new section is added to chapter 70.118 RCW to read as follows:

(1) Biological remediation technology may be used in on-site sewage disposal systems not in a state of failure for the purpose of preventing clogged infiltrative surfaces.

(2) On-site wastewater treatment system designers licensed under chapter 18.210 RCW, installers approved by the local health officer to install on-site sewage disposal systems or components, professional engineers licensed under chapter 18.43 RCW, or licensed on-site wastewater treatment system operation and maintenance professionals may install biological remediation products for use in on-site sewage disposal systems not in a state of failure.

(3) A permit is not required for the installation or use of biological remediation devices when an on-site sewage disposal system is not in a state of failure. A local health jurisdiction may require registration for tracking purposes.

(4) Purchasers of biological remediation devices for use in on-site sewage disposal systems not in a state of failure are required to maintain an operation and maintenance contract with a licensed on-site sewage professional as described in subsection (2) of this section. A local health jurisdiction may require yearly reporting of data collected from the operation and maintenance inspections by the licensed on-site sewage professional.

(5) Biological remediation products used for installation in on-site sewage disposal systems not in a state of failure must qualify for an exemption from the state list of approved products under the requirements established in section 3 of this act. Upon adoption of rules by the state board of health on July 1, 2010, biological remediation products used for installation in on-site sewage disposal systems not in a state of failure must be on the state list of approved biological remediation products for use in the state under the new standards.

NEW SECTION. **Sec. 5.** (1) The state board of health shall adopt rules by July 1, 2010, for verification of biological remediation products performance and use of products with verified performance for use in failing on-site sewage disposal systems.

(2) The rules must stipulate requirements for:

(a) Permitting, ongoing certification of products, continued product use, and requirements for removal of biological remediation products;

(b) Monitoring of on-site sewage disposal systems using biological remediation technology and at least annual inspection of failing on-site sewage disposal systems that have biological remediation technologies installed to return any component of the on-site sewage disposal system to a state of nonfailure; and

(c) Certifying, registering, and using biological remediation products without a permit as a preventative measure in on-site sewage disposal systems not in a state of failure.

(3) Rules developed under this section shall apply to biological remediation services for all on-site sewage disposal systems.

(4) During its rule-making process, the department shall determine whether permit exemptions outlined in section 4 of this act shall be continued.

(5) The definitions in RCW 70.118A.020 apply throughout this section.

NEW SECTION. **Sec. 6.** (1) A local health jurisdiction may permit biological remediation products for use in failing on-site sewage disposal systems. Prior to issuing a permit for a biological remediation product, the local health officer or on-site wastewater treatment system designer licensed under chapter 18.210 RCW must perform an assessment, considering site and effluent specific characteristics, of the on-site sewage disposal system to determine if biological remediation technology is appropriate to bring the system into a state of nonfailure and that the biological remediation technology will not adversely impact the environment or public health by increased wastewater flows through the on-site sewage disposal system and soil.

(2) The permit must state inspection, monitoring, and maintenance requirements.

(3) The local health jurisdiction must require system repairs to meet on-site sewage disposal system requirements as found in chapter 246-272A WAC if an on-site sewage disposal system with a biological remediation product does not remedy a clogged infiltrative surface within three months.

(4) Each permit must include:

(a) A plan with a time frame for correcting any public health concern associated with the failing on-site sewage disposal system and the means to protect public health until the concern is addressed;

(b) A plan for operation and maintenance that is filed with the local health jurisdiction;

(c) A schedule for maintenance and operation reports detailing the status of the on-site sewage disposal system with the local health jurisdiction where the on-site sewage disposal system is located;

(d) A contract with the owner of the on-site sewage disposal system with a biological remediation product for inspection and monitoring by an inspector certified under RCW 70.118.120 or local health officer;

(e) Information for the owner of an on-site sewage disposal system with a biological remediation product that includes: (i) Instructions for appropriate maintenance and operation of an on-site sewage system; and (ii) a statement that if the on-site sewage disposal system remains in a state of failure after three months, the owner will be required to repair the on-site sewage disposal system as required by chapter 246-272A WAC, and an estimate of those costs; and

(f) A signed document from the homeowner allowing the local health officer to enter the property for the purpose of determining if a biological remediation product has remedied a failed drainfield after ninety days of installation. Failure to allow access for the inspection voids the permit and the local health jurisdiction may prohibit the use of the system until the inspection occurs.

(5) The on-site professional who installed the biological remediation device shall reimburse the purchaser for the direct cost of the product and installation if the purchaser of the biological remediation device requests in writing the removal of the biological remediation device and reimbursement and:

(a) The biological remediation product fails to make significant improvements in the condition of a failed drainfield within ninety days of installation and it is determined by the local health officer that a repair must be made to correct the failure; or

(b) The on-site sewage disposal system reenters a state of failure within one year of installation of the biological remediation product and it is determined by the local health officer that a repair must be made to correct the failure.

(6) The definitions in RCW 70.118.020 apply throughout this section.

NEW SECTION. **Sec. 7.** (1) Only on-site wastewater treatment system designers licensed under chapter 18.210 RCW, installers approved by the local health officer to install on-site sewage disposal systems or components, or professional engineers licensed under chapter 18.43 RCW are permitted to install biological remediation products for use in failing on-site sewage disposal systems.

(2) The definitions in RCW 70.118.020 apply throughout this section.

Sec. 8. RCW 70.118.080 and 1994 c 281 s 5 are each amended to read as follows:

(1) Each manufacturer of a certified and approved additive product or of a biological remediation product advertised, sold, or distributed in the state and each installer of a biological remediation product advertised, sold, or distributed in the state shall:

(a) Make no claims relating to the elimination of the need for septic tank pumping or proper septic tank maintenance;

(b) List the components of additive products and biological remediation products on the product label, along with information regarding instructions for use and precautions;

(c) Make no false statements, design, or graphic representation relative to a biological remediation product that is inconsistent with this chapter or to an additive product that is inconsistent with RCW 70.118.060, 70.118.070, or this section; and

(d) Make no claims, either direct or implied, about the performance of the product based on state approval of its ingredients.

(2) A violation of this section is an unfair act or practice in violation of the consumer protection act, chapter 19.86 RCW.

NEW SECTION. **Sec. 9.** Sections 3 through 7 of this act expire July 1, 2010."

Correct the title.

Signed by Representatives Campbell, Chair; Sump, Ranking Minority Member; Chase; Hunt; Morrell; Newhouse and Wood.

MINORITY recommendation: Do not pass. Signed by Representative Hudgins, Vice Chair.

Referred to Committee on Appropriations.

February 27, 2008

ESB 6641 Prime Sponsor, Senator Regala: Providing that voter-approved increases in property tax levy limitations for a multiyear period of up to six years do not permanently increase a taxing district's levy base, unless otherwise provided in the ballot proposition. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Condotta, Assistant Ranking Minority Member; Conway; Ericks; McIntire; Roach and Santos.

MINORITY recommendation: Without recommendation. Signed by Representative Orcutt, Ranking Minority Member.

Passed to Committee on Rules for second reading.

February 27, 2008

ESB 6663 Prime Sponsor, Senator Schoesler: Improving tax program administration by correcting, clarifying, eliminating, repealing, and decodifying statutes related to the department of revenue. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Orcutt, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Conway; Ericks; McIntire; Roach and Santos.

Passed to Committee on Rules for second reading.

February 28, 2008

E2SSB 6673 Prime Sponsor, Senate Committee on Ways & Means: Creating learning opportunities. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that high school students need to graduate with the skills necessary to be successful in college and work. The state graduation requirements help to ensure that Washington high school graduates have the basic skills to be competitive in a global economy. Under education reform started in 1993, time was to be the variable, obtaining the skills was to be the constant. Therefore, students who need additional time to gain the academic skills needed for college and the workplace should have the opportunities they need to reach high academic achievement, even if that takes more than the standard four years of high school.

Different students face different challenges and barriers to their academic success. Some students struggle to meet the standard on a single portion of the Washington assessment of student learning while excelling in the other subject areas; other students struggle to complete the necessary state or local graduation credits; while still others have their knowledge tested on the assessments and have completed all the credit requirements but are struggling because English is not their first language. The legislature finds that many of these students need additional time and support to achieve academic proficiency and meet all graduation requirements.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.320 RCW to read as follows:

(1) The extended learning opportunities program is created for eligible eleventh and twelfth grade students who are not on track to meet local or state graduation requirements as well as eighth grade students who may not be on track to meet the standard on the Washington assessment of student learning or need additional assistance in order to have the opportunity for a successful entry into high school. The program shall provide early notification of graduation status, information on education opportunities including preapprenticeship programs that are available, and incentives for new district programs.

(2) Schools shall notify eligible students and their parents or legal guardians about the status of their progress on state and local graduation requirements, the alternative assessment opportunities available to students under RCW 28A.655.061 and 28A.655.065, and regarding continued instructional services identified in section 3 of this act. Information provided to students and their parents or legal guardians must include:

(a) Any credit deficiencies;

(b) The students' attendance rates over the past two years;

(c) Whether they have completed other graduation requirements established by the state board of education or the legislature;

(d) If the student is in a transitional bilingual program, the score on his or her Washington language proficiency test II;

(e) Remediation strategies and alternative education options available to students including, but not limited to, informing students of the option to continue to receive instructional services after grade twelve or until the age of twenty-one. This may include:

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

(ii) Available programs offered through skill centers or community or technical colleges.

(3) The first notification of information in subsection (2) of this section shall take place in the spring of the eighth grade year for students who did not meet the standard on the Washington assessment of student learning. The second notification shall take place in the spring of the eleventh grade year and then, if necessary, the spring of the twelfth grade year for students who are not on track to meet state and local graduation requirements. Schools may notify students and their parents or guardians through school conferences, written notification, or in the student learning plan identified under RCW 28A.655.061. Schools serving English language learners and their parents shall translate information in the primary language of the family to the extent feasible. Notifications shall begin with the graduating class of 2008.

NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.320 RCW to read as follows:

(1) Under the extended learning opportunities program, districts shall make available to students in grade twelve who have failed to meet one or more local or state graduation requirements the option of continuing enrollment in the school district in accordance with RCW 28A.225.160. Districts are authorized to use basic education program funding to provide instruction to eligible students under RCW 28A.150.220(3).

(2) Under the extended learning program, instructional services for eligible students in grades eight, eleven, and twelve can occur during the regular school day, evenings, on weekends, or at a time and location deemed appropriate by the school district, including the educational service district, in order to meet the needs of these students. Instructional services provided under this section do not include services offered at private schools. Instructional services can include, but are not limited to, the following:

(a) Individual or small group instruction;

(b) Instruction in English language arts and/or mathematics that eligible students need to pass all or part of the Washington assessment of student learning;

(c) Attendance in a public high school or public alternative school classes or at a skill center;

(d) Inclusion in remediation programs, including summer school;

(e) Language development instruction for English language learners;

(f) Online curriculum and instructional support, including programs for credit retrieval and Washington assessment of student learning preparatory classes; and

(g) Reading improvement specialists available at the educational service districts to serve eighth, eleventh, and twelfth grade educators through professional development in accordance with RCW 28A.415.350. The reading improvement specialist may also provide direct services to eighth, eleventh, and twelfth grade students and those students electing to continue a fifth year in a high school program, and who are still struggling with basic reading skills.

Sec. 4. RCW 28A.165.035 and 2004 c 20 s 4 are each amended to read as follows:

Use of best practices magnifies the opportunities for student success. The following are services and activities that may be supported by the learning assistance program:

(1) Extended learning time opportunities occurring:

(a) Before or after the regular school day;

(b) On Saturday; and

(c) Beyond the regular school year;

(2) Services and funding under section 3 of this act;

(3) Professional development for certificated and classified staff that focuses on:

(a) The needs of a diverse student population;

(b) Specific literacy and mathematics content and instructional strategies; and

(c) The use of student work to guide effective instruction;

(((~~(3)~~))) (4) Consultant teachers to assist in implementing effective instructional practices by teachers serving participating students;

(((~~(4)~~))) (5) Tutoring support for participating students; and

(((~~(5)~~))) (6) Outreach activities and support for parents of participating students.

Sec. 5. RCW 28A.165.055 and 2005 c 489 s 1 are each amended to read as follows:

(1) Each school district with an approved program is eligible for state funds provided for the learning assistance program. The funds shall be appropriated for the learning assistance program in accordance with the biennial appropriations act. The distribution formula is for school district allocation purposes only. The distribution formula shall be based on one or more family income factors measuring economic need.

(2) In addition to the funds allocated to eligible school districts on the basis of family income factors, enhanced funds shall be allocated for school districts where more than twenty percent of students are eligible for and enrolled in the transitional bilingual instruction program under chapter 28A.180 RCW as provided in this subsection. The enhanced funding provided in this subsection shall take effect beginning in the 2008-09 school year.

(a) If, in the prior school year, a district's percent of October head count student enrollment in grades kindergarten through twelve who are enrolled in the transitional bilingual instruction program, based on an average of the program head count taken in October and May, exceeds twenty percent, twenty percent shall be subtracted from the district's percent transitional bilingual instruction program enrollment and the resulting percent shall be multiplied by the district's kindergarten through twelve annual average full-time equivalent enrollment for the prior school year.

(b) The number calculated under (a) of this subsection shall be the number of additional funded students for purposes of this subsection, to be multiplied by the per-funded student allocation rates specified in the omnibus appropriations act.

(c) School districts are only eligible for the enhanced funds under this subsection if their percentage of October head count enrollment in grades kindergarten through twelve eligible for free or reduced-price lunch exceeded forty percent in the prior school year.

NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.630 RCW to read as follows:

(1) If funding is appropriated for this purpose, the office of the superintendent of public instruction shall explore online curriculum support in languages other than English that are currently available. By December 1, 2008, the office of the superintendent of public instruction shall report to the appropriate committees of the legislature recommendations for other online support in other languages that would most appropriately assist Washington's English language learners. Included in the recommendations shall be the actions that would need to be taken to access the recommended online support and the cost.

(2) This section expires June 30, 2012.

NEW SECTION. **Sec. 7.** A new section is added to chapter 28A.655 RCW to read as follows:

(1) If funding is appropriated for this purpose, school districts shall provide all ninth graders enrolled in the district the option of taking the PSAT at no cost to the student.

(2) The office of the superintendent of public instruction shall enter into an agreement with the firm that administers the PSAT to reimburse the firm for the testing fees of students who take the test.

NEW SECTION. **Sec. 8.** (1) The legislature intends to build on the lessons learned in the Lorraine Wojahn dyslexia pilot reading program, which the legislature has funded since 2005.

(2) By September 15, 2008, each of the grant recipients shall report to the office of the superintendent of public instruction on the lessons learned in the pilot program regarding effective assessment and intervention programs to help students with dyslexia or characteristics of dyslexia, best practices for professional development, and strategies to build capacity and sustainability among teaching staff.

(3) By December 31, 2008, the office of the superintendent of public instruction shall aggregate the reports from the grant recipients and provide a report and recommendations to the appropriate committees of the legislature. The recommendations shall include how the lessons learned through the pilot program are best shared with school districts and how the best practices can be implemented statewide.

NEW SECTION. **Sec. 9.** A new section is added to chapter 28A.310 RCW to read as follows:

Educational service districts shall develop and provide a program of outreach to community-based programs and organizations within the district that are serving non-English speaking segments of the population as well as those programs that target subgroups of students that may be struggling academically, including to the extent

possible, African-American, Native American, Asian, Pacific Islander, Hispanic, low income, and special education. Educational service districts shall consult and coordinate with the governor's minority commissions and the governor's office of Indian affairs in order to efficiently conduct this outreach and are encouraged to enter into partnerships with representatives of the local business communities in order to develop a coordinated outreach plan. The purpose of the outreach activities shall be to inform students via the various community-based programs and organizations of the educational opportunities available under chapter . . ., Laws of 2008 (this act) and to engage them in the process as appropriate. Outreach shall at a minimum include information about the availability of dropout and credit retrieval programs, remediation programs, and extended learning opportunities, including fifth year opportunities.

NEW SECTION. **Sec. 10.** (1) The legislature finds that educators are faced with the complex responsibility of educating an increasing population of English language learners who speak a wide variety of languages and dialects and may come with varying levels of formal schooling, students who come from low-income households, and students who have learning disabilities. These educators struggle to provide meaningful instruction that helps students meet high content standards while overcoming their challenges. The 2007 legislature directed the professional educator standards board to begin the process of adopting new certification requirements and revising the higher education teacher preparation program requirements. Additionally, the office of the superintendent of public instruction was directed to contract with the northwest regional educational laboratory to review and report on the ongoing English as a second language pilot projects and best practices related to helping students who are English language learners. It is therefore the intent of the legislature to build upon the work started in 2007 by requiring that the professional educator standards board consider the findings of the northwest regional educational laboratory and incorporate into its ongoing work a review of how to revise the current certification requirements and teacher preparation programs in order to better serve the needs of English language learners.

(2) The professional educator standards board shall convene a work group to develop recommendations for increasing teacher knowledge, skills, and competencies to address the needs of English language learner students. The work group shall include representatives from the Washington association of colleges for teacher education, school districts with significant populations of English language learner students who speak a single language, school districts with significant populations of English language learner students who speak multiple languages, classroom teachers, English as a second language teachers, bilingual education teachers, principals, the migrant and bilingual education office in the office of the superintendent of public instruction, and the higher education coordinating board. In making its selections, the professional educator standards board will include members from diverse cultural backgrounds and strive to promote geographic balance. The professional educator standards board shall invite participation by the northwest regional educational laboratory.

(3) The work group shall identify gaps and weaknesses in the current knowledge and skills standards for teacher preparation and teacher competencies regarding understanding how students acquire language, how to teach academic content in English to non-English speakers, and how to demonstrate cultural competence. The work group shall look to the English as a second language demonstration projects under RCW 28A.630.058 and the accompanying research and evaluation by the northwest regional educational laboratory.

(4)(a) The work group shall submit an interim report by December 1, 2008, to the governor and the education and higher education committees of the legislature with initial findings and general recommendations to improve the teacher preparation knowledge and skills standards and teacher competencies in the areas identified under subsection (2) of this section. Recommendations shall also include what professional development program components are most effective for existing educators of English language learners.

(b) A final report shall be submitted to the governor and the education and higher education committees of the legislature with specific recommendations by December 1, 2009.

Sec. 11. RCW 28B.118.010 and 2007 c 405 s 2 are each amended to read as follows:

The higher education coordinating board shall design the Washington college bound scholarship program in accordance with this section.

(1) "Eligible students" are those students who qualify for free or reduced-price lunches. If a student qualifies in the seventh grade, the student remains eligible even if the student does not receive free or reduced-price lunches thereafter.

(2) Eligible students shall be notified of their eligibility for the Washington college bound scholarship program beginning in their seventh grade year. Students shall also be notified of the requirements for award of the scholarship.

(3) To be eligible for a Washington college bound scholarship, a student must sign a pledge during seventh or eighth grade that includes a commitment to graduate from high school with at least a C average and with no felony convictions. Students who were in the eighth grade during the 2007-08 school year may sign the pledge during the 2008-09 school year. The pledge must be witnessed by a parent or guardian and forwarded to the higher education coordinating board by mail or electronically, as indicated on the pledge form.

(4)(a) Scholarships shall be awarded to eligible students graduating from public high schools, approved private high schools under chapter 28A.195 RCW, or who received home-based instruction under chapter 28A.200 RCW.

(b) To receive the Washington college bound scholarship, a student must graduate with at least a "C" average from a public high school or an approved private high school under chapter 28A.195 RCW in Washington or have received home-based instruction under chapter 28A.200 RCW, must have no felony convictions, and must be a resident student as defined in RCW 28B.15.012(2) (a) through (d).

(5) A student's family income will be assessed upon graduation before awarding the scholarship.

(6) If at graduation from high school the student's family income does not exceed sixty-five percent of the state median family income, scholarship award amounts shall be as provided in this section.

(a) For students attending two or four-year institutions of higher education as defined in RCW 28B.10.016, the value of the award shall be (i) the difference between the student's tuition and required fees, less the value of any state-funded grant, scholarship, or waiver assistance the student receives; (ii) plus five hundred dollars for books and materials.

(b) For students attending private four-year institutions of higher education in Washington, the award amount shall be the representative average of awards granted to students in public research universities in Washington.

(c) For students attending private vocational schools in Washington, the award amount shall be the representative average of awards granted to students in public community and technical colleges in Washington.

(7) Recipients may receive no more than four full-time years' worth of scholarship awards.

(8) Institutions of higher education shall award the student all need-based and merit-based financial aid for which the student would otherwise qualify. The Washington college bound scholarship is intended to replace unmet need, loans, and, at the student's option, work-study award before any other grants or scholarships are reduced.

(9) The first scholarships shall be awarded to students graduating in 2012.

(10) The state of Washington retains legal ownership of tuition units awarded as scholarships under this chapter until the tuition units are redeemed. These tuition units shall remain separately held from any tuition units owned under chapter 28B.95 RCW by a Washington college bound scholarship recipient.

(11) The scholarship award must be used within five years of receipt. Any unused scholarship tuition units revert to the Washington college bound scholarship account.

(12) Should the recipient terminate his or her enrollment for any reason during the academic year, the unused portion of the scholarship tuition units shall revert to the Washington college bound scholarship account.

NEW SECTION. **Sec. 12.** A new section is added to chapter 28A.300 RCW to read as follows:

Subject to funds appropriated for this purpose, the office of the superintendent of public instruction shall contract with a national organization to establish, maintain, and operate an endowment for the promotion of geography education in Washington state. The national organization must have experience operating geography education endowments in other states and must provide equal nonstate matching funds to the state funds provided in the contract. All funds in and any interest earned on the endowment shall be used exclusively for geography education programs including, but not limited to, curriculum materials, resource collections, and professional development institutes for teachers and administrators. The national organization must have an established affiliated advisory committee in the state to recommend local projects to be funded by the endowment. The contract shall require that the organization report annually to the superintendent on the recipients of endowment funds and the amounts and purposes of expenditures from the fund."

Correct the title.

Signed by Representatives Quall, Chair; Barlow, Vice Chair; Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Haigh; Liias; Roach; Santos and Sullivan.

Referred to Committee on Appropriations.

February 27, 2008

SB 6677 Prime Sponsor, Senator Fraser: Changing the composition of the board of directors of the Washington materials management and financing authority. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Chandler, Ranking Minority Member; Kretz; Liias; Miloscia and Ormsby.

Passed to Committee on Rules for second reading.

February 28, 2008

SSB 6710 Prime Sponsor, Senate Committee on Labor, Commerce, Research & Development: Modifying the fire protection standards for hospitals. Reported by Committee on Appropriations Subcommittee on General Government & Audit Review

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Skinner, Assistant Ranking Minority Member; Blake; Chandler; Kretz; Lantz; Liias; Miloscia; Morris; Nelson and Van De Wege.

Passed to Committee on Rules for second reading.

February 28, 2008

SB 6717 Prime Sponsor, Senator Hatfield: Increasing public utility district commissioner salaries. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Takko, Vice Chair; Warnick, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Eddy; Nelson and Schmick.

Passed to Committee on Rules for second reading.

February 27, 2008

SB 6722 Prime Sponsor, Senator Regala: Creating the cleanup settlement account. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 70.105D RCW to read as follows:

(1) The cleanup settlement account is created in the state treasury. The account is not intended to replace the state toxics control account established under RCW 70.105D.070. All receipts from the sources identified in subsection (2) of this section must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only as identified in subsection (4) of this section.

(2) The following receipts must be deposited into the cleanup settlement account:

(a) Receipts from settlements or court orders that direct payment to the account and resolve a person's liability or potential liability under this chapter for either or both of the following:

(i) Conducting future remedial action at a specific facility, if it is not feasible to require the person to conduct the remedial action based on the person's financial insolvency, limited ability to pay, or insignificant contribution under RCW 70.105D.040(4)(a);

(ii) Assessing or addressing the injury to natural resources caused by the release of a hazardous substance from a specific facility; and

(b) Receipts from investment of the moneys in the account.

(3) If a settlement or court order does not direct payment of receipts described in subsection (2)(a) of this section into the cleanup settlement account, then the receipts from any payment to the state must be deposited into the state toxics control account.

(4) Expenditures from the cleanup settlement account may only be used to conduct remedial actions at the specific facility or to assess or address the injury to natural resources caused by the release of hazardous substances from that facility for which the moneys were deposited in the account. Conducting remedial actions or assessing or addressing injury to natural resources includes direct expenditures and indirect expenditures such as department oversight costs.

(5) The department shall track moneys received, interest earned, and moneys expended separately for each facility.

(6) After the department determines that all remedial actions at a specific facility, and all actions assessing or addressing injury to natural resources caused by the release of hazardous substances from that facility, are completed, including payment of all related costs, any moneys remaining for the specific facility must be transferred to the state toxics control account established under RCW 70.105D.070.

(7) The department shall provide the office of financial management and the fiscal committees of the legislature with a report by October 31st of each year regarding the activity within the cleanup settlement account during the previous fiscal year.

Sec. 2. RCW 43.84.092 and 2007 c 514 s 3 and 2007 c 356 s 9 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the cleanup settlement account, the Columbia river basin water supply development account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the emergency reserve fund, the energy freedom account, The Evergreen State College capital projects account, the federal forest revolving account, the freight congestion relief account, the freight mobility investment account, the freight mobility multimodal account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the high-occupancy toll lanes operations account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puyallup tribal settlement account, the real estate appraiser commission account, the regional mobility grant program account, the resource management cost account, the rural Washington loan fund, the site closure account, the small city pavement and sidewalk account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account,

the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 3. RCW 43.84.092 and 2007 c 514 s 3, 2007 c 484 s 4, and 2007 c 356 s 9 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The budget stabilization account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the cleanup settlement account, the Columbia river basin water supply development account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the energy freedom account, The Evergreen State College capital projects account, the federal forest revolving account, the freight congestion relief account, the freight mobility investment account, the freight mobility multimodal account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the high-occupancy toll lanes operations account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puyallup tribal settlement account, the real estate appraiser commission account, the regional mobility grant program account, the resource management cost account, the rural Washington loan fund, the site closure

account, the small city pavement and sidewalk account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 4. RCW 43.84.092 and 2007 c 514 s 3, 2007 c 513 s 1, 2007 c 484 s 4, and 2007 c 356 s 9 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the budget stabilization account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the cleanup settlement account, the Columbia river basin water supply development account, the common school construction fund, the county arterial preservation account, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the energy freedom account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight congestion relief account, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the health services account, the public health services account, the health system capacity account, the personal health services account, the high capacity transportation account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety account, the high-occupancy toll lanes operations account, the industrial insurance premium refund account, the judges'

retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pilotage account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public transportation systems account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puyallup tribal settlement account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural Washington loan fund, the safety and education account, the site closure account, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the urban arterial trust account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. **Sec. 5.** (1) Section 2 of this act expires July 1, 2008.

(2) Section 3 of this act expires July 1, 2009.

NEW SECTION. **Sec. 6.** (1) Section 3 of this act takes effect July 1, 2008.

(2) Section 4 of this act takes effect July 1, 2009."

Correct the title.

Signed by Representatives Sommers, Chair; Dunshee, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Haler, Assistant Ranking Minority Member; Anderson; Chandler; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Green; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McIntire; Morrell; Pettigrew; Priest; Ross; Schmick; Schual-Berke; Seaquist; Sullivan and Walsh.

Passed to Committee on Rules for second reading.

February 29, 2008

SSB 6743 Prime Sponsor, Senate Committee on Early Learning & K-12 Education: Regarding training and guidelines for teachers of students with autism. (REVISED FOR PASSED LEGISLATURE: Regarding educational guidelines for parents and educators of students with autism.) Reported by Committee on Appropriations Subcommittee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) To the extent funds are appropriated for this purpose, by September 1, 2008, the office of the superintendent of public instruction, the department of health, and the department of social and health services shall make available through agency web sites and other methods the autism manual for families and districts as developed by the caring for Washington individuals with autism task force. The autism manual shall include, but not be limited to, the following guidelines to address the unique needs of students with autism:

(a) Extended educational programming, including extended day and extended school year services, that consider the duration of programs and settings based on an assessment of behavior, social skills, communication, academics, and self-help skills;

(b) Daily schedules reflecting minimal unstructured time and active engagement in learning activities, including lunch, snack, and recess, and providing flexibility within routines that are adaptable to individual skill levels and assist with schedule changes, such as field trips, substitute teachers, and pep rallies;

(c) In-home and community-based training or a viable alternative that assists the student with acquisition of social and behavioral skills, including strategies that facilitate maintenance and

generalization of those skills from home to school, school to home, home to community, and school to community;

(d) Positive behavior support strategies based on information, such as:

(i) Antecedent manipulation, replacement behaviors, reinforcement strategies, and data-based decisions; and

(ii) A behavior intervention plan developed from a functional behavioral assessment that uses current data related to target behaviors and addresses behavioral programming across home, school, and community-based settings;

(e) Beginning at any age, futures planning for integrated living, work, community, and educational environments that considers skills necessary to function in current and postsecondary environments;

(f) Parent and family training and support, provided by qualified personnel with experience in autism spectrum disorder, that:

(i) Provides a family with skills necessary for a child to succeed in the home and community setting;

(ii) Includes information regarding resources such as parent support groups, workshops, videos, conferences, and materials designed to increase parent knowledge of specific teaching and management techniques related to the child's curriculum; and

(iii) Facilitates parental carryover of in-home training and includes strategies for behavior management and developing structured home environments and communication training so that parents are active participants in promoting the continuity of interventions across all settings;

(g) A suitable staff-to-student ratio appropriate to identified activities and as needed to achieve social and behavioral progress based on the child's developmental and learning level, including acquisition, fluency, maintenance, and generalization, that encourages work towards individual independence as determined by:

(i) Adaptive behavior evaluation results;

(ii) Behavioral accommodation needs across settings; and

(iii) Transitions within the school day;

(h) Communication interventions, including language forms and functions that enhance effective communication across settings, such as augmentative, incidental, and naturalistic teaching;

(i) Social skills supports and strategies based on social skills assessment and curriculum, and provided across settings, for example trained peer facilitators such as a circle of friends, video modeling, social stories, and role playing;

(j) Professional educator and staff support, such as training provided to personnel who work with students to assure the correct implementation of techniques and strategies described in the individualized education programs; and

(k) Teaching strategies based on peer reviewed and research-based practices for students with autism spectrum disorder, such as those associated with discrete-trial training, visual supports, applied behavior analysis, structured learning, augmentative communication, or social skills training.

(2) To the extent funds are appropriated for this purpose, by September 1, 2008, the office of the superintendent of public instruction, in collaboration with the department of health, the department of social and health services, educational service districts, local school districts, the autism center at the University of Washington, and the autism society of Washington, shall distribute information on child find responsibilities under Part B and Part C of the federal individuals with disabilities education act, as amended, to agencies, districts, and schools who participate in the location, evaluation, and identification of children who may be eligible for early intervention services or special education services.

(3) To the extent funds are made available, by September 1, 2008, the office of the superintendent of public instruction, in collaboration with the department of health and the department of social and health services, shall develop posters to be distributed to medical offices and clinics, grocery stores, and other public places with information on autism and how parents can gain access to the diagnosis and identification of autism and contact information for services and support. These posters will be available on the internet for ease of distribution."

Correct the title.

Signed by Representatives Haigh, Chair; Sullivan, Vice Chair; Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Barlow; Haler; Herrera; Hunter; Jarrett; Kagi; Kenney; Ormsby; Quall; Seaquist; Springer and Wallace.

Referred to Committee on Appropriations Subcommittee on Education.

February 28, 2008

ESB 6744 Prime Sponsor, Senator Fraser: Concerning homeowners' associations. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern; Flannigan; Kirby; Moeller; Pedersen; Ross and Williams.

Referred to Committee on Appropriations.

February 27, 2008

SSB 6761 Prime Sponsor, Senate Committee on Transportation: Regarding service areas for wetlands mitigation banks. Reported by Committee on Ecology & Parks

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 90.84.030 and 1998 c 248 s 4 are each amended to read as follows:

(1) Subject to the requirements of this chapter, the department, through a collaborative process, shall adopt rules for:

(((~~(1)~~))) (a) Certification, operation, and monitoring of wetlands mitigation banks. The rules shall include procedures to assure that:

(((~~(a)~~))) (i) Priority is given to banks providing for the restoration of degraded or former wetlands;

(((~~(b)~~))) (ii) Banks involving the creation and enhancement of wetlands are certified only where there are adequate assurances of success and that the bank will result in an overall environmental benefit; and

((~~(c)~~)) (iii) Banks involving the preservation of wetlands or associated uplands are certified only when the preservation is in conjunction with the restoration, enhancement, or creation of a wetland, or in other exceptional circumstances as determined by the department consistent with this chapter;

((~~(2)~~)) (b) Determination and release of credits from banks. Procedures regarding credits shall authorize the use and sale of credits to offset adverse impacts and the phased release of credits as different levels of the performance standards are met;

((~~(3)~~)) (c) Public involvement in the certification of banks, using existing statutory authority;

((~~(4)~~)) (d) Coordination of governmental agencies, including early notification of the local government where the bank is located;

((~~(5)~~)) (e) Establishment of criteria for determining service areas for each bank in accordance with subsection (2) of this section;

((~~(6)~~)) (f) Performance standards; and

((~~(7)~~)) (g) Long-term management, financial assurances, and remediation for certified banks.

(2) The criteria for determining service areas under subsection (1)(e) of this section shall include a requirement that restricts the maximum extent of the service area of a wetlands mitigation bank to the water resource inventory area (WRIA) as established under chapter 173-500 WAC in which the bank is located except where a service area may include parts of other WRIAs if it is ecologically defensible and appropriate.

(3) Before adopting rules under this chapter, the department shall submit the proposed rules to the appropriate standing committees of the legislature. By January 30, 1999, the department shall submit a report to the appropriate standing committees of the legislature on its progress in developing rules under this chapter.

Sec. 2. RCW 90.84.040 and 1998 c 248 s 5 are each amended to read as follows:

(1) The department may certify only those banks that meet the requirements of this chapter. The department may not certify a bank without local approval of the bank. Certification shall be accomplished through a banking instrument.

(2) The local jurisdiction in which the bank is located has final approval over the certification of the mitigation bank. If the local government approves the bank, it shall be signatory to the banking instrument.

((~~(2)~~)) (3) State agencies and local governments may approve use of credits from a bank for any mitigation required under a permit issued or approved by that state agency or local government to compensate for the proposed impacts of a specific public or private project."

Correct the title.

Signed by Representatives Upthegrove, Chair; Rolfes, Vice Chair; Sump, Ranking Minority Member; Dickerson; Eickmeyer; Kristiansen; O'Brien and Pearson.

Passed to Committee on Rules for second reading.

February 27, 2008

SSB 6774 Prime Sponsor, Senate Committee on Economic Development, Trade & Management: Promoting regional industry cluster growth. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: Do pass. Signed by Representatives Kenney, Chair; Pettigrew, Vice Chair; Chase; Darneille; Rolfes and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Bailey, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; and Haler.

Referred to Committee on Appropriations Subcommittee on General Government & Audit Review.

February 28, 2008

2SSB 6775 Prime Sponsor, Senate Committee on Ways & Means: Addressing the digital literacy and technology training needs of low-income and underserved areas through state support of community technology programs. Reported by Committee on Appropriations Subcommittee on Education

MAJORITY recommendation: Do pass as amended.

"NEW SECTION. **Sec. 1.** The legislature finds that information technology plays an increasingly important role in the state's economy but that the knowledge level and adoption of information technologies are limited in some areas of the state. It is the intent of this act to address digital literacy and technology training needs of low-income and technology underserved residents of the state through state support of community technology programs.

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

(1) "Administrator" means the community technology opportunity program administrator designated by the Washington State University extension.

(2) "Community technology program" means a program, including a digital inclusion program, engaged in diffusing information and communications technology in local communities, particularly in underserved areas. These programs may include, but are not limited to, programs that provide education and skill-building opportunities, hardware and software, internet connectivity, and development of locally relevant content and delivery of vital services through technology.

NEW SECTION. **Sec. 3.** The community technology opportunity program is created to support the efforts of community technology programs throughout the state. The community technology opportunity program must be administered by the Washington State University extension. The Washington State University extension may contract for services in order to carry out the extension's obligations under this section.

(1) In implementing the community technology opportunity program the administrator must:

(a) Provide organizational and capacity building support to community technology programs throughout the state, and identify and facilitate the availability of other public and private sources of funds to enhance the purposes of this chapter and the work of

community technology programs. No more than fifteen percent of funds received by the administrator for the program may be expended on these functions;

(b) Establish a competitive grant program and provide grants to community technology programs to provide training and skill-building opportunities; access to hardware and software; internet connectivity; assistance in the adoption of information and communication technologies in low-income and underserved areas of the state; and development of locally relevant content and delivery of vital services through technology.

(2) Grant applicants must:

(a) Provide evidence that the applicant is a nonprofit entity or a public entity that is working in partnership with a nonprofit entity;

(b) Define the geographic area or population to be served;

(c) Include in the application the results of a needs assessment addressing, in the geographic area or among the population to be served: The impact of inadequacies in technology access or knowledge, barriers faced, and services needed;

(d) Explain in detail the strategy for addressing the needs identified and an implementation plan including objectives, tasks, and benchmarks for the applicant and the role that other organizations will play in assisting the applicant's efforts;

(e) Provide evidence of matching funds and resources, which are equivalent to at least one-quarter of the grant amount committed to the applicant's strategy;

(f) Provide evidence that funds applied for, if received, will be used to provide effective delivery of community technology services in alignment with the goals of this chapter and to increase the applicant's level of effort beyond the current level; and

(g) Comply with such other requirements as the administrator establishes.

(3) The administrator may use no more than ten percent of funds received for the community technology opportunity program to cover administrative expenses.

(4) The administrator must establish expected program outcomes for each grant recipient and must require grant recipients to provide an annual accounting of program outcomes.

NEW SECTION. **Sec. 4.** The Washington community technology opportunity account is established in the state treasury. Donated funds from private and public sources may be deposited into the account. Expenditures from the account may be used only for the operation of the community technology opportunity program as provided in sections 1 through 3 of this act. Only the administrator or the administrator's designee may authorize expenditures from the account.

NEW SECTION. **Sec. 5.** Sections 1 through 4 of this act constitute a new chapter in Title 28B RCW.

NEW SECTION. **Sec. 6.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Haigh, Chair; Sullivan, Vice Chair; Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Barlow; Crouse; Fromhold; Haler; Herrera; Hunter; Jarrett; Kagi; Kenney; Ormsby; Quall; Seaquist; Springer and Wallace.

Passed to Committee on Rules for second reading.

February 28, 2008

ESSB 6776 Prime Sponsor, Senate Committee on Government Operations & Elections: Modifying state whistleblower protections. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds and declares that government exists to conduct the people's business, and the people remaining informed about the actions of government contributes to the oversight of how the people's business is conducted. The legislature further finds that many public servants who expose actions of their government that are contrary to the law or public interest face the potential loss of their careers and livelihoods.

It is the policy of the legislature that employees should be encouraged to disclose, to the extent not expressly prohibited by law, improper governmental actions, and it is the intent of the legislature to protect the rights of state employees making these disclosures. It is also the policy of the legislature that employees should be encouraged to identify rules warranting review or provide information to the rules review committee, and it is the intent of the legislature to protect the rights of these employees.

This act shall be broadly construed in order to effectuate the purpose of this act.

Sec. 2. RCW 42.40.020 and 1999 c 361 s 1 are each amended to read as follows:

As used in this chapter, the terms defined in this section shall have the meanings indicated unless the context clearly requires otherwise.

(1) "Auditor" means the office of the state auditor.

(2) "Employee" means any individual employed or holding office in any department or agency of state government.

(3) "Good faith" means the individual providing the information or report of improper governmental activity has a reasonable basis in fact for reporting or providing the ((~~communication~~)) information. ((~~"Good faith" is lacking when the employee knows or reasonably ought to know that the report is malicious, false, or frivolous.~~)) An individual who knowingly, or reasonably ought to know, provides or reports malicious, false, or frivolous information, or information that is provided with reckless disregard for the truth, or who knowingly omits relevant information is not acting in good faith.

(4) "Gross mismanagement" means the exercise of management responsibilities in a manner grossly deviating from the standard of care or competence that a reasonable person would observe in the same situation.

(5) "Gross waste of funds" means to spend or use funds or to allow funds to be used without valuable result in a manner grossly

deviating from the standard of care or competence that a reasonable person would observe in the same situation.

(((~~(5)~~))) (6)(a) "Improper governmental action" means any action by an employee undertaken in the performance of the employee's official duties:

(i) Which is (((~~[a]~~))) a gross waste of public funds or resources as defined in this section;

(ii) Which is in violation of federal or state law or rule, if the violation is not merely technical or of a minimum nature; ((~~or~~))

(iii) Which is of substantial and specific danger to the public health or safety;

(iv) Which is gross mismanagement; or

(v) Which prevents the dissemination of scientific opinion or alters technical findings without scientifically valid justification, unless state law or a common law privilege prohibits disclosure. This provision is not meant to preclude the discretion of agency management to adopt a particular scientific opinion or technical finding from among differing opinions or technical findings to the exclusion of other scientific opinions or technical findings. Nothing in this subsection prevents or impairs a state agency's or public official's ability to manage its public resources or its employees in the performance of their official job duties. This subsection does not apply to de minimis, technical disagreements that are not relevant for otherwise improper governmental activity. Nothing in this provision requires the auditor to contract or consult with external experts regarding the scientific validity, invalidity, or justification of a finding or opinion.

(b) "Improper governmental action" does not include personnel actions, for which other remedies exist, including but not limited to employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of the state civil service law, alleged labor agreement violations, reprimands, claims of discriminatory treatment, or any action which may be taken under chapter 41.06 RCW, or other disciplinary action except as provided in RCW 42.40.030.

(((~~(6)~~))) (7) "Public official" means the attorney general's designee or designees; an appropriate number of individuals designated to receive whistleblower reports by the head of each agency; or the executive ethics board.

(8) "Substantial and specific danger" means a risk of serious injury, illness, peril, or loss, to which the exposure of the public is a gross deviation from the standard of care or competence which a reasonable person would observe in the same situation.

(((~~(7)~~))) (9) "Use of official authority or influence" includes threatening, taking, directing others to take, recommending, processing, or approving any personnel action such as an appointment, promotion, transfer, assignment including but not limited to duties and office location, reassignment, reinstatement, restoration, reemployment, performance evaluation, determining any material changes in pay, provision of training or benefits, tolerance of a hostile work environment, or any adverse action under chapter 41.06 RCW, or other disciplinary action.

(((~~(8)~~))) (10)(a) "Whistleblower" means:

(i) An employee who in good faith reports alleged improper governmental action to the auditor or other public official, as defined in subsection (7) of this section, initiating an investigation by the auditor under RCW 42.40.040; or

(ii) An employee who is perceived by the employer as reporting, whether they did or not, alleged improper governmental action to the auditor or other public official, as defined in subsection (7) of this section, initiating an investigation by the auditor under RCW 42.40.040.

(b) For purposes of the provisions of this chapter and chapter 49.60 RCW relating to reprisals and retaliatory action, the term "whistleblower" also means:

(((~~(a)~~))) (i) An employee who in good faith provides information to the auditor or other public official, as defined in subsection (7) of this section, in connection with an investigation under RCW 42.40.040 and an employee who is believed to have reported asserted improper governmental action to the auditor or other public official, as defined in subsection (7) of this section, or to have provided information to the auditor or other public official, as defined in subsection (7) of this section, in connection with an investigation under RCW 42.40.040 but who, in fact, has not reported such action or provided such information; or

(((~~(b)~~))) (ii) An employee who in good faith identifies rules warranting review or provides information to the rules review committee, and an employee who is believed to have identified rules warranting review or provided information to the rules review committee but who, in fact, has not done so.

Sec. 3. RCW 42.40.030 and 1995 c 403 s 510 are each amended to read as follows:

(1) An employee shall not directly or indirectly use or attempt to use the employee's official authority or influence for the purpose of intimidating, threatening, coercing, commanding, influencing, or attempting to intimidate, threaten, coerce, command, or influence any individual for the purpose of interfering with the right of the individual to: (a) Disclose to the auditor (or representative thereof) or other public official, as defined in RCW 42.40.020, information concerning improper governmental action; or (b) identify rules warranting review or provide information to the rules review committee.

(2) Nothing in this section authorizes an individual to disclose information otherwise prohibited by law, except to the extent that information is necessary to substantiate the whistleblower complaint, in which case information may be disclosed to the auditor or public official, as defined in RCW 42.40.020, by the whistleblower for the limited purpose of providing information related to the complaint. Any information provided to the auditor or public official under the authority of this subsection may not be further disclosed.

Sec. 4. RCW 42.40.040 and 1999 c 361 s 3 are each amended to read as follows:

(1)(a) In order to be investigated, an assertion of improper governmental action must be provided to the auditor or other public official within one year after the occurrence of the asserted improper governmental action. The public official, as defined in RCW 42.40.020, receiving an assertion of improper governmental action must report the assertion to the auditor within fifteen calendar days of receipt of the assertion. The auditor retains sole authority to investigate an assertion of improper governmental action including those made to a public official. A failure of the public official to report the assertion to the auditor within fifteen days does not impair the rights of the whistleblower.

(b) Except as provided under RCW 42.40.910 for legislative and judicial branches of government, the auditor has the authority to determine whether to investigate any assertions received. In determining whether to conduct either a preliminary or further investigation, the auditor shall consider factors including, but not limited to: The nature and quality of evidence and the existence of relevant laws and rules; whether the action was isolated or

systematic; the history of previous assertions regarding the same subject or subjects or subject matter; whether other avenues are available for addressing the matter; whether the matter has already been investigated or is in litigation; the seriousness or significance of the asserted improper governmental action; and the cost and benefit of the investigation. The auditor has the sole discretion to determine the priority and weight given to these and other relevant factors and to decide whether a matter is to be investigated. The auditor shall document the factors considered and the analysis applied.

(c) The auditor also has the authority to investigate assertions of improper governmental actions as part of an audit conducted under chapter 43.09 RCW. The auditor shall document the reasons for handling the matter as part of such an audit.

(2) Subject to subsection (5)(c) of this section, the identity or identifying characteristics of a whistleblower is confidential at all times unless the whistleblower consents to disclosure by written waiver or by acknowledging his or her identity in a claim against the state for retaliation. In addition, the identity or identifying characteristics of any person who in good faith provides information in an investigation under this section is confidential at all times, unless the person consents to disclosure by written waiver or by acknowledging his or her identity as a witness who provides information in an investigation.

(3) Upon receiving specific information that an employee has engaged in improper governmental action, the auditor shall, within ((~~five~~)) fifteen working days of receipt of the information, mail written acknowledgement to the whistleblower at the address provided stating whether a preliminary investigation will be conducted. For a period not to exceed ((~~thirty~~)) sixty working days from receipt of the assertion, the auditor shall conduct such preliminary investigation of the matter as the auditor deems appropriate.

(4) In addition to the authority under subsection (3) of this section, the auditor may, on its own initiative, investigate incidents of improper state governmental action.

(5)(a) If it appears to the auditor, upon completion of the preliminary investigation, that the matter is so unsubstantiated that no further investigation, prosecution, or administrative action is warranted, the auditor shall so notify the whistleblower summarizing where the allegations are deficient, and provide a reasonable opportunity to reply. Such notification may be by electronic means.

(b) The written notification shall contain a summary of the information received and of the results of the preliminary investigation with regard to each assertion of improper governmental action.

(c) In any case to which this section applies, the identity or identifying characteristics of the whistleblower shall be kept confidential unless the auditor determines that the information has been provided other than in good faith. If the auditor makes such a determination, the auditor shall provide reasonable advance notice to the employee.

(d) With the agency's consent, the auditor may forward the assertions to an appropriate agency to investigate and report back to the auditor no later than sixty working days after the assertions are received from the auditor. The auditor is entitled to all investigative records resulting from such a referral. All procedural and confidentiality provisions of this chapter apply to investigations conducted under this subsection. The auditor shall document the reasons the assertions were referred.

(6) During the preliminary investigation, the auditor shall provide written notification of the nature of the assertions to the subject or subjects of the investigation and the agency head. The notification shall include the relevant facts and laws known at the time and the procedure for the subject or subjects of the investigation and the agency head to respond to the assertions and information obtained during the investigation. This notification does not limit the auditor from considering additional facts or laws which become known during further investigation.

(((~~(7)~~)))(a) If it appears to the auditor after completion of the preliminary investigation that further investigation, prosecution, or administrative action is warranted, the auditor shall so notify the whistleblower, the subject or subjects of the investigation, and the agency head and either conduct a further investigation or issue a report under subsection (((~~(10)~~))) (9) of this section.

(b) If the preliminary investigation resulted from an anonymous assertion, a decision to conduct further investigation shall be subject to review by a three-person panel convened as necessary by the auditor prior to the commencement of any additional investigation. The panel shall include a state auditor representative knowledgeable of the subject agency operations, a citizen volunteer, and a representative of the attorney general's office. This group shall be briefed on the preliminary investigation and shall recommend whether the auditor should proceed with further investigation.

(c) If further investigation is to occur, the auditor shall provide written notification of the nature of the assertions to the subject or subjects of the investigation and the agency head. The notification shall include the relevant facts known at the time and the procedure to be used by the subject or subjects of the investigation and the agency head to respond to the assertions and information obtained during the investigation.

(((~~(8)~~))) (7) Within sixty working days after the preliminary investigation period in subsection (3) of this section, the auditor shall complete the investigation and report its findings to the whistleblower unless written justification for the delay is furnished to the whistleblower, agency head, and subject or subjects of the investigation. In all such cases, the report of the auditor's investigation and findings shall be sent to the whistleblower within one year after the information was filed under subsection (3) of this section.

(((~~(9)~~))) (8)(a) At any stage of an investigation under this section the auditor may require by subpoena the attendance and testimony of witnesses and the production of documentary or other evidence relating to the investigation at any designated place in the state. The auditor may issue subpoenas, administer oaths, examine witnesses, and receive evidence. In the case of contumacy or failure to obey a subpoena, the superior court for the county in which the person to whom the subpoena is addressed resides or is served may issue an order requiring the person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt thereof.

(b) The auditor may order the taking of depositions at any stage of a proceeding or investigation under this chapter. Depositions shall be taken before an individual designated by the auditor and having the power to administer oaths. Testimony shall be reduced to writing by or under the direction of the individual taking the deposition and shall be subscribed by the deponent.

(c) Agencies shall cooperate fully in the investigation and shall take appropriate action to preclude the destruction of any evidence during the course of the investigation.

(d) During the investigation the auditor shall interview each subject of the investigation. If it is determined there is reasonable cause to believe improper governmental action has occurred, the subject or subjects and the agency head shall be given fifteen working

days to respond to the assertions prior to the issuance of the final report.

((~~(10)~~)) (9)(a) If the auditor determines there is reasonable cause to believe an employee has engaged in improper governmental action, the auditor shall report, to the extent allowable under existing public disclosure laws, the nature and details of the activity to:

(i) The subject or subjects of the investigation and the head of the employing agency; ((~~and~~))

(ii) If appropriate, the attorney general or such other authority as the auditor determines appropriate;

(iii) Electronically to the governor, secretary of the senate, and chief clerk of the house of representatives; and

(iv) Except for information whose release is specifically prohibited by statute or executive order, the public through the public file of whistleblower reports maintained by the auditor.

(b) The auditor has no enforcement power except that in any case in which the auditor submits an investigative report containing reasonable cause determinations to the agency, the agency shall send its plan for resolution to the auditor within fifteen working days of having received the report. The agency is encouraged to consult with the subject or subjects of the investigation in establishing the resolution plan. The auditor may require periodic reports of agency action until all resolution has occurred. If the auditor determines that appropriate action has not been taken, the auditor shall report the determination to the governor and to the legislature and may include this determination in the agency audit under chapter 43.09 RCW.

((~~(11)~~)) (10) Once the auditor concludes that appropriate action has been taken to resolve the matter, the auditor shall so notify the whistleblower, the agency head, and the subject or subjects of the investigation. If the resolution takes more than one year, the auditor shall provide annual notification of its status to the whistleblower, agency head, and subject or subjects of the investigation.

((~~(12)~~)) (11) Failure to cooperate with such audit or investigation, or retaliation against anyone who assists the auditor by engaging in activity protected by this chapter shall be reported as a separate finding with recommendations for corrective action in the associated report whenever it occurs.

(12) This section does not limit any authority conferred upon the attorney general or any other agency of government to investigate any matter.

Sec. 5. RCW 42.40.070 and 1989 c 284 s 5 are each amended to read as follows:

A written summary of this chapter and procedures for reporting improper governmental actions established by the auditor's office shall be made available by each department or agency of state government to each employee upon entering public employment. Such notices may be in agency internal newsletters, included with paychecks or stubs, sent via electronic mail to all employees, or sent by other means that are cost-effective and reach all employees of the government level, division, or subdivision. Employees shall be notified by each department or agency of state government each year of the procedures and protections under this chapter. The annual notices shall include a list of public officials, as defined in RCW 42.40.020, authorized to receive whistleblower reports. The list of public officials authorized to receive whistleblower reports shall also be prominently displayed in all agency offices.

Sec. 6. RCW 42.40.050 and 1999 c 283 s 1 are each amended to read as follows:

(1)(a) Any person who is a whistleblower, as defined in RCW 42.40.020, and who has been subjected to workplace reprisal or retaliatory action is presumed to have established a cause of action for the remedies provided under chapter 49.60 RCW.

(b) For the purpose of this section, "reprisal or retaliatory action" means, but is not limited to, any of the following:

((~~(a)~~)) (i) Denial of adequate staff to perform duties;

((~~(b)~~)) (ii) Frequent staff changes;

((~~(c)~~)) (iii) Frequent and undesirable office changes;

((~~(d)~~)) (iv) Refusal to assign meaningful work;

((~~(e)~~)) (v) Unwarranted and unsubstantiated letters of reprimand or unsatisfactory performance evaluations;

((~~(f)~~)) (vi) Demotion;

((~~(g)~~)) (vii) Reduction in pay;

((~~(h)~~)) (viii) Denial of promotion;

((~~(i)~~)) (ix) Suspension;

((~~(j)~~)) (x) Dismissal;

((~~(k)~~)) (xi) Denial of employment;

((~~(l)~~)) (xii) A supervisor or superior behaving in or encouraging coworkers to behave in a hostile manner toward the whistleblower; ((~~and~~

~~(m)~~)) (xiii) A change in the physical location of the employee's workplace or a change in the basic nature of the employee's job, if either are in opposition to the employee's expressed wish;

(xiv) Issuance of or attempt to enforce any nondisclosure policy or agreement in a manner inconsistent with prior practice; or

(xv) Any other action that is inconsistent compared to actions taken before the employee engaged in conduct protected by this chapter, or compared to other employees who have not engaged in conduct protected by this chapter.

(2) The agency presumed to have taken retaliatory action under subsection (1) of this section may rebut that presumption by proving by a preponderance of the evidence that there have been a series of documented personnel problems or a single, egregious event, or that the agency action or actions were justified by reasons unrelated to the employee's status as a whistleblower and that improper motive was not a substantial factor.

(3) Nothing in this section prohibits an agency from making any decision exercising its authority to terminate, suspend, or discipline an employee who engages in workplace reprisal or retaliatory action against a whistleblower. However, the agency also shall implement any order under chapter 49.60 RCW (other than an order of suspension if the agency has terminated the retaliator).

NEW SECTION. **Sec. 7.** A new section is added to chapter 42.40 RCW to read as follows:

The human rights commission, the state auditor, and the office of financial management shall collaboratively develop performance measures to improve the efficiency and effectiveness of this chapter and the disposition of any related claims made under chapter 49.60 RCW. The goals shall be to reduce the number of improper governmental actions, reduce the number of inappropriate whistleblower complaints, and reduce the number of substantiated and unsubstantiated whistleblower complaints across all state agencies. The measures may include, but are not limited to, the number of reports of improper governmental activities, the number of reports of improper governmental activities per agency, the number of investigations completed, the number of retaliation claims, the enforcement costs, and the claim costs. The human rights commission, the state auditor, and the office of financial management shall report on the performance measures developed to the appropriate legislative committees by September 30, 2008. Beginning July 31, 2009, the human rights commission, the state auditor, and the office of financial management shall jointly submit

a performance measures report to the appropriate committees of the legislature.

Sec. 8. RCW 49.60.230 and 1993 c 510 s 21 and 1993 c 69 s 11 are each reenacted and amended to read as follows:

(1) Who may file a complaint:

(a) Any person claiming to be aggrieved by an alleged unfair practice may, personally or by his or her attorney, make, sign, and file with the commission a complaint in writing under oath or by declaration. The complaint shall state the name of the person alleged to have committed the unfair practice and the particulars thereof, and contain such other information as may be required by the commission.

(b) Whenever it has reason to believe that any person has been engaged or is engaging in an unfair practice, the commission may issue a complaint.

(c) Any employer or principal whose employees, or agents, or any of them, refuse or threaten to refuse to comply with the provisions of this chapter may file with the commission a written complaint under oath or by declaration asking for assistance by conciliation or other remedial action.

(2) Any complaint filed pursuant to this section must be so filed within six months after the alleged act of discrimination except that complaints alleging an unfair practice in a real estate transaction pursuant to RCW 49.60.222 through 49.60.225 must be so filed within one year after the alleged unfair practice in a real estate transaction has occurred or terminated and a complaint alleging whistleblower retaliation must be filed within two years.

Sec. 9. RCW 49.60.250 and 1993 c 510 s 23 and 1993 c 69 s 14 are each reenacted and amended to read as follows:

(1) In case of failure to reach an agreement for the elimination of such unfair practice, and upon the entry of findings to that effect, the entire file, including the complaint and any and all findings made, shall be certified to the chairperson of the commission. The chairperson of the commission shall thereupon request the appointment of an administrative law judge under Title 34 RCW to hear the complaint and shall cause to be issued and served in the name of the commission a written notice, together with a copy of the complaint, as the same may have been amended, requiring the respondent to answer the charges of the complaint at a hearing before the administrative law judge, at a time and place to be specified in such notice.

(2) The place of any such hearing may be the office of the commission or another place designated by it. The case in support of the complaint shall be presented at the hearing by counsel for the commission: PROVIDED, That the complainant may retain independent counsel and submit testimony and be fully heard. No member or employee of the commission who previously made the investigation or caused the notice to be issued shall participate in the hearing except as a witness, nor shall the member or employee participate in the deliberations of the administrative law judge in such case. Any endeavors or negotiations for conciliation shall not be received in evidence.

(3) The respondent shall file a written answer to the complaint and appear at the hearing in person or otherwise, with or without counsel, and submit testimony and be fully heard. The respondent has the right to cross-examine the complainant.

(4) The administrative law judge conducting any hearing may permit reasonable amendment to any complaint or answer. Testimony taken at the hearing shall be under oath and recorded.

(5) If, upon all the evidence, the administrative law judge finds that the respondent has engaged in any unfair practice, the administrative law judge shall state findings of fact and shall issue and file with the commission and cause to be served on such respondent an order requiring such respondent to cease and desist from such unfair practice and to take such affirmative action, including, (but not limited to) hiring, reinstatement or upgrading of employees, with or without back pay, an admission or restoration to full membership rights in any respondent organization, or to take such other action as, in the judgment of the administrative law judge, will effectuate the purposes of this chapter, including action that could be ordered by a court, except that damages for humiliation and mental suffering shall not exceed ((~~ten~~)) twenty thousand dollars, and including a requirement for report of the matter on compliance. Relief available for violations of RCW 49.60.222 through 49.60.224 shall be limited to the relief specified in RCW 49.60.225.

(6) If a determination is made that retaliatory action, as defined in RCW 42.40.050, has been taken against a whistleblower, as defined in RCW 42.40.020, the administrative law judge may, in addition to any other remedy, require restoration of benefits, back pay, and any increases in compensation that would have occurred, with interest; impose a civil penalty upon the retaliator of up to ((~~three~~)) five thousand dollars; and issue an order to the state employer to suspend the retaliator for up to thirty days without pay. At a minimum, the administrative law judge shall require that a letter of reprimand be placed in the retaliator's personnel file. No agency shall issue any nondisclosure order or policy, execute any nondisclosure agreement, or spend any funds requiring information that is public under the public records act, chapter 42.56 RCW, be kept confidential; except that nothing in this section shall affect any state or federal law requiring information be kept confidential. All penalties recovered shall be paid into the state treasury and credited to the general fund.

(7) The final order of the administrative law judge shall include a notice to the parties of the right to obtain judicial review of the order by appeal in accordance with the provisions of RCW 34.05.510 through 34.05.598, and that such appeal must be served and filed within thirty days after the service of the order on the parties.

(8) If, upon all the evidence, the administrative law judge finds that the respondent has not engaged in any alleged unfair practice, the administrative law judge shall state findings of fact and shall similarly issue and file an order dismissing the complaint.

(9) An order dismissing a complaint may include an award of reasonable attorneys' fees in favor of the respondent if the administrative law judge concludes that the complaint was frivolous, unreasonable, or groundless.

(10) The commission shall establish rules of practice to govern, expedite, and effectuate the foregoing procedure.

(11) Instead of filing with the commission, a complainant may pursue arbitration conducted by the American arbitration association or another arbitrator mutually agreed by the parties, with the cost of arbitration shared equally by the complainant and the respondent.

Sec. 10. RCW 42.40.910 and 1999 c 361 s 7 are each amended to read as follows:

This act and chapter 361, Laws of 1999 ((~~does~~)) do not affect the jurisdiction of the legislative ethics board, the executive ethics board, or the commission on judicial conduct, as set forth in chapter 42.52 RCW. The senate, the house of representatives, and the supreme court shall adopt policies regarding the applicability of chapter 42.40 RCW to the senate, house of representatives, and judicial branch.

NEW SECTION. **Sec. 11.** 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."

Correct the title.

Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Chandler, Ranking Minority Member; Kretz; Liias; Miloscia and Ormsby.

Referred to Committee on Appropriations.

February 27, 2008

SSB 6791 Prime Sponsor, Senate Committee on Human Services & Corrections: Clarifying permitted uses of moneys currently collected under the county legislative authority sales and use tax for chemical dependency or mental health treatment programs and services or therapeutic courts. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Morrell, Vice Chair; Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Barlow; Campbell; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

MINORITY recommendation: Without recommendation. Signed by Representatives Condotta and DeBolt.

Passed to Committee on Rules for second reading.

February 26, 2008

ESSB 6792 Prime Sponsor, Senate Committee on Human Services & Corrections: Concerning dependency matters. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 13.34.215 and 2007 c 413 s 1 are each amended to read as follows:

(1) A child may petition the juvenile court to reinstate the previously terminated parental rights of his or her parent under the following circumstances:

(a) The child was previously found to be a dependent child under this chapter;

(b) The child's parent's rights were terminated in a proceeding under this chapter;

(c) The child has not achieved his or her permanency plan within three years of a final order of termination((~~, or if the final order was appealed, within three years of exhaustion of any right to appeal the order terminating parental rights~~)); and

(d) ((~~Absent good cause,~~)) The child must be at least twelve years old at the time the petition is filed. Upon the child's motion for good cause shown, or on its own motion, the court may hear a petition filed by a child younger than twelve years old.

(2) A child seeking to petition under this section shall be provided counsel at no cost to the child.

(3) The petition must be signed by the child in the absence of a showing of good cause as to why the child could not do so.

(4) If, after a threshold hearing to consider the parent's apparent fitness and interest in reinstatement of parental rights, ((~~it appears~~)) the court finds by a preponderance of the evidence that the best interests of the child may be served by reinstatement of parental rights, the juvenile court shall order that a hearing on the merits of the petition be held.

(5) The court shall give prior notice for any proceeding under this section, or cause prior notice to be given, to the department, the child's attorney, and the child. The court shall also order the department to give prior notice of any hearing to the child's former parent whose parental rights are the subject of the petition, any parent whose rights have not been terminated, the child's current foster parent, relative caregiver, guardian or custodian, and the child's tribe, if applicable.

(6) The juvenile court shall conditionally grant the petition if it finds by clear and convincing evidence that the child has not achieved his or her permanency plan and is not likely to imminently achieve his or her permanency plan and that reinstatement of parental rights is in the child's best interest. In determining whether reinstatement is in the child's best interest the court shall consider, but is not limited to, the following:

(a) Whether the parent whose rights are to be reinstated is a fit parent and has remedied his or her deficits as provided in the record of the prior termination proceedings and prior termination order;

(b) The age and maturity of the child, and the ability of the child to express his or her preference;

(c) Whether the reinstatement of parental rights will present a risk to the child's health, welfare, or safety; and

(d) Other material changes in circumstances, if any, that may have occurred which warrant the granting of the petition.

(7) In determining whether the child has or has not achieved his or her permanency plan or whether the child is likely to achieve his or her permanency plan, the department shall provide the court, and the court shall review, information related to any efforts to achieve the permanency plan including efforts to achieve adoption or a permanent guardianship.

(8)(a) If the court conditionally grants the petition under subsection (6) of this section, the case will be continued for six months and a temporary order of reinstatement entered. During this period, the child shall be placed in the custody of the parent. The department shall develop a permanency plan for the child reflecting the plan to be reunification and shall provide transition services to the family as appropriate.

(b) If the child must be removed from the parent due to abuse or neglect allegations prior to the expiration of the conditional six-month period, the court shall dismiss the petition for reinstatement of parental rights if the court finds the allegations have been proven by a preponderance of the evidence.

(c) If the child has been successfully placed with the parent for six months, the court order reinstating parental rights remains in effect and the court shall dismiss the dependency.

(9) After the child has been placed with the parent for six months, the court shall hold a hearing. If the placement with the parent has been successful, the court shall enter a final order of

reinstatement of parental rights, which shall restore all rights, powers, privileges, immunities, duties, and obligations of the parent as to the child, including those relating to custody, control, and support of the child. The court shall dismiss the dependency and direct the clerk's office to provide a certified copy of the final order of reinstatement of parental rights to the parent at no cost.

(10) The granting of the petition under this section does not vacate or otherwise affect the validity of the original termination order.

(((~~(10)~~))) (11) Any parent whose rights are reinstated under this section shall not be liable for any child support owed to the department pursuant to RCW 13.34.160 or Title 26 RCW or costs of other services provided to a child for the time period from the date of termination of parental rights to the date parental rights are reinstated.

(((~~(11)~~))) (12) A proceeding to reinstate parental rights is a separate action from the termination of parental rights proceeding and does not vacate the original termination of parental rights. An order granted under this section reinstates the parental rights to the child. This reinstatement is a recognition that the situation of the parent and child have changed since the time of the termination of parental rights and reunification is now appropriate.

(((~~(12)~~))) (13) This section is retroactive and applies to any child who is under the jurisdiction of the juvenile court at the time of the hearing regardless of the date parental rights were terminated.

(14) The state, the department, and its employees are not liable for civil damages resulting from any act or omission in the provision of services under this section, unless the act or omission constitutes gross negligence. This section does not create any duty and shall not be construed to create a duty where none exists. This section does not create a cause of action against the state, the department, or its employees concerning the original termination.

Sec. 2. RCW 13.34.065 and 2007 c 413 s 5 are each amended to read as follows:

(1)(a) When a child is taken into custody, the court shall hold a shelter care hearing within seventy-two hours, excluding Saturdays, Sundays, and holidays. The primary purpose of the shelter care hearing is to determine whether the child can be immediately and safely returned home while the adjudication of the dependency is pending.

(b) Any parent, guardian, or legal custodian who for good cause is unable to attend the shelter care hearing may request that a subsequent shelter care hearing be scheduled. The request shall be made to the clerk of the court where the petition is filed prior to the initial shelter care hearing. Upon the request of the parent, the court shall schedule the hearing within seventy-two hours of the request, excluding Saturdays, Sundays, and holidays. The clerk shall notify all other parties of the hearing by any reasonable means.

(2)(a) The department of social and health services shall submit a recommendation to the court as to the further need for shelter care in all cases in which it is the petitioner. In all other cases, the recommendation shall be submitted by the juvenile court probation counselor.

(b) All parties have the right to present testimony to the court regarding the need or lack of need for shelter care.

(c) Hearsay evidence before the court regarding the need or lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence.

(3)(a) At the commencement of the hearing, the court shall notify the parent, guardian, or custodian of the following:

(i) The parent, guardian, or custodian has the right to a shelter care hearing;

(ii) The nature of the shelter care hearing, the rights of the parents, and the proceedings that will follow; and

(iii) If the parent, guardian, or custodian is not represented by counsel, the right to be represented. If the parent, guardian, or custodian is indigent, the court shall appoint counsel as provided in RCW 13.34.090; and

(b) If a parent, guardian, or legal custodian desires to waive the shelter care hearing, the court shall determine, on the record and with the parties present, whether such waiver is knowing and voluntary. A parent may not waive his or her right to the shelter care hearing unless he or she appears in court and the court determines that the waiver is knowing and voluntary. Regardless of whether the court accepts the parental waiver of the shelter care hearing, the court must provide notice to the parents of their rights required under (a) of this subsection and make the finding required under subsection (4) of this section.

(4) At the shelter care hearing the court shall examine the need for shelter care and inquire into the status of the case. The paramount consideration for the court shall be the health, welfare, and safety of the child. At a minimum, the court shall inquire into the following:

(a) Whether the notice required under RCW 13.34.062 was given to all known parents, guardians, or legal custodians of the child. The court shall make an express finding as to whether the notice required under RCW 13.34.062 was given to the parent, guardian, or legal custodian. If actual notice was not given to the parent, guardian, or legal custodian and the whereabouts of such person is known or can be ascertained, the court shall order the supervising agency or the department of social and health services to make reasonable efforts to advise the parent, guardian, or legal custodian of the status of the case, including the date and time of any subsequent hearings, and their rights under RCW 13.34.090;

(b) Whether the child can be safely returned home while the adjudication of the dependency is pending;

(c) What efforts have been made to place the child with a relative;

(d) What services were provided to the family to prevent or eliminate the need for removal of the child from the child's home;

(e) Is the placement proposed by the agency the least disruptive and most family-like setting that meets the needs of the child;

(f) Whether it is in the best interest of the child to remain enrolled in the school, developmental program, or child care the child was in prior to placement and what efforts have been made to maintain the child in the school, program, or child care if it would be in the best interest of the child to remain in the same school, program, or child care;

(g) Appointment of a guardian ad litem or attorney;

(h) Whether the child is or may be an Indian child as defined in 25 U.S.C. Sec. 1903, whether the provisions of the Indian child welfare act apply, and whether there is compliance with the Indian child welfare act, including notice to the child's tribe;

(i) Whether, as provided in RCW 26.44.063, restraining orders, or orders expelling an allegedly abusive ((~~parent~~)) household member from the home of a nonabusive parent, guardian, or legal custodian, will allow the child to safely remain in the home;

(j) Whether any orders for examinations, evaluations, or immediate services are needed. ((~~However,~~)) The court may not order a parent to undergo examinations, evaluation, or services at the shelter care hearing unless the parent agrees to the examination, evaluation, or service, except that if the court determines there is reasonable cause to believe the abuse of alcohol or controlled substances or unmet mental health needs are contributing factors to the alleged abuse or neglect or inability to properly provide care for

the child, the court may order the parent to participate in a comprehensive chemical dependency or mental health evaluation as arranged by the department;

(k) The terms and conditions for parental, sibling, and family visitation.

(5)(a) The court shall release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or legal custodian unless the court finds there is reasonable cause to believe that:

(i) After consideration of the specific services that have been provided, reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and

(ii)(A) The child has no parent, guardian, or legal custodian to provide supervision and care for such child; or

(B) The release of such child would present a serious threat of substantial harm to such child, notwithstanding an order entered pursuant to RCW 26.44.063; or

(C) The parent, guardian, or custodian to whom the child could be released has been charged with violating RCW 9A.40.060 or 9A.40.070.

(b) If the court does not release the child to his or her parent, guardian, or legal custodian, ((~~and the child was initially placed with a relative pursuant to RCW 13.34.060(1),~~)) the court shall order ((~~continued~~)) placement with a relative, unless there is reasonable cause to believe the health, safety, or welfare of the child would be jeopardized or that the efforts to reunite the parent and child will be hindered. The relative must be willing and available to:

(i) Care for the child and be able to meet any special needs of the child;

(ii) Facilitate the child's visitation with siblings, if such visitation is part of the supervising agency's plan or is ordered by the court; and

(iii) Cooperate with the department in providing necessary background checks and home studies.

(c) If the child was not initially placed with a relative, and the court does not release the child to his or her parent, guardian, or legal custodian, the supervising agency shall make reasonable efforts to locate a relative pursuant to RCW 13.34.060(1).

(d) If a relative is not available, the court shall order continued shelter care or order placement with another suitable person, and the court shall set forth its reasons for the order. If the court orders placement of the child with a person not related to the child and not licensed to provide foster care, the placement is subject to all terms and conditions of this section that apply to relative placements.

(e) Any placement with a relative, or other person approved by the court pursuant to this section, shall be contingent upon cooperation with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court. Noncompliance with the case plan or court order is grounds for removal of the child from the home of the relative or other person, subject to review by the court.

(f) Uncertainty by a parent, guardian, legal custodian, relative, or other suitable person that the alleged abuser has in fact abused the child shall not, alone, be the basis upon which a child is removed from the care of a parent, guardian, or legal custodian under (a) of this subsection, nor shall it be a basis, alone, to preclude placement with a relative under (b) of this subsection or with another suitable person under (d) of this subsection.

(6)(a) A shelter care order issued pursuant to this section shall include the requirement for a case conference as provided in RCW 13.34.067. However, if the parent is not present at the shelter care hearing, or does not agree to the case conference, the court shall not include the requirement for the case conference in the shelter care order.

(b) If the court orders a case conference, the shelter care order shall include notice to all parties and establish the date, time, and location of the case conference which shall be no later than thirty days before the fact-finding hearing.

(c) The court may order another conference, case staffing, or hearing as an alternative to the case conference required under RCW 13.34.067 so long as the conference, case staffing, or hearing ordered by the court meets all requirements under RCW 13.34.067, including the requirement of a written agreement specifying the services to be provided to the parent.

(7)(a) A shelter care order issued pursuant to this section may be amended at any time with notice and hearing thereon. The shelter care decision of placement shall be modified only upon a showing of change in circumstances. No child may be placed in shelter care for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

(b)(i) An order releasing the child on any conditions specified in this section may at any time be amended, with notice and hearing thereon, so as to return the child to shelter care for failure of the parties to conform to the conditions originally imposed.

(ii) The court shall consider whether nonconformance with any conditions resulted from circumstances beyond the control of the parent, guardian, or legal custodian and give weight to that fact before ordering return of the child to shelter care.

(8)(a) If a child is returned home from shelter care a second time in the case, or if the supervisor of the caseworker deems it necessary, the multidisciplinary team may be reconvened.

(b) If a child is returned home from shelter care a second time in the case a law enforcement officer must be present and file a report to the department.

Sec. 3. RCW 13.34.136 and 2007 c 413 s 7 are each amended to read as follows:

(1) Whenever a child is ordered removed from the home, a permanency plan shall be developed no later than sixty days from the time the supervising agency assumes responsibility for providing services, including placing the child, or at the time of a hearing under RCW 13.34.130, whichever occurs first. The permanency planning process continues until a permanency planning goal is achieved or dependency is dismissed. The planning process shall include reasonable efforts to return the child to the parent's home.

(2) The agency supervising the dependency shall submit a written permanency plan to all parties and the court not less than fourteen days prior to the scheduled hearing. Responsive reports of parties not in agreement with the supervising agency's proposed permanency plan must be provided to the supervising agency, all other parties, and the court at least seven days prior to the hearing.

The permanency plan shall include:

(a) A permanency plan of care that shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; permanent legal custody; long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider; successful completion of a responsible living skills program; or independent living, if appropriate and if the child

is age sixteen or older. The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW;

(b) Unless the court has ordered, pursuant to RCW 13.34.130(((~~(4)~~))) (5), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to return the child home, what steps the agency will take to promote existing appropriate sibling relationships and/or facilitate placement together or contact in accordance with the best interests of each child, and what actions the agency will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(i) The agency plan shall specify what services the parents will be offered to enable them to resume custody, what requirements the parents must meet to resume custody, and a time limit for each service plan and parental requirement.

(ii) Visitation is the right of the family, including the child and the parent, in cases in which visitation is in the best interest of the child. Early, consistent, and frequent visitation is crucial for maintaining parent-child relationships and making it possible for parents and children to safely reunify. The agency shall encourage the maximum parent and child and sibling contact possible, when it is in the best interest of the child, including regular visitation and participation by the parents in the care of the child while the child is in placement. Visitation shall not be limited as a sanction for a parent's failure to comply with court orders or services where the health, safety, or welfare of the child is not at risk as a result of the visitation. Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare. The court and the agency should rely upon community resources, relatives, foster parents, and other appropriate persons to provide transportation and supervision for visitation to the extent that such resources are available, and appropriate, and the child's safety would not be compromised.

(iii) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(iv) The plan shall state whether both in-state and, where appropriate, out-of-state placement options have been considered by the department.

(v) Unless it is not in the best interests of the child, whenever practical, the plan should ensure the child remains enrolled in the school the child was attending at the time the child entered foster care.

(vi) The agency charged with supervising a child in placement shall provide all reasonable services that are available within the agency, or within the community, or those services which the department has existing contracts to purchase. It shall report to the court if it is unable to provide such services; and

(c) If the court has ordered, pursuant to RCW 13.34.130(((~~(4)~~))) (5), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The agency shall not be required to develop a plan of services for the parents or provide services to the parents if the court orders a termination petition be filed. However, reasonable efforts to ensure visitation and contact between siblings shall be made unless there is reasonable cause to believe the best interests of the child or siblings would be jeopardized.

(3) Permanency planning goals should be achieved at the earliest possible date, preferably before the child has been in out-of-home care for fifteen months. In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(4) If the court determines that the continuation of reasonable efforts to prevent or eliminate the need to remove the child from his or her home or to safely return the child home should not be part of the permanency plan of care for the child, reasonable efforts shall be made to place the child in a timely manner and to complete whatever steps are necessary to finalize the permanent placement of the child.

(5) The identified outcomes and goals of the permanency plan may change over time based upon the circumstances of the particular case.

(6) The court shall consider the child's relationships with the child's siblings in accordance with RCW 13.34.130(3).

(7) For purposes related to permanency planning:

(a) "Guardianship" means a dependency guardianship or a legal guardianship pursuant to chapter 11.88 RCW or equivalent laws of another state or a federally recognized Indian tribe.

(b) "Permanent custody order" means a custody order entered pursuant to chapter 26.10 RCW.

(c) "Permanent legal custody" means legal custody pursuant to chapter 26.10 RCW or equivalent laws of another state or a federally recognized Indian tribe.

Sec. 4. RCW 26.44.063 and 2000 c 119 s 12 are each amended to read as follows:

(1) It is the intent of the legislature to minimize trauma to a child involved in an allegation of sexual or physical abuse. The legislature declares that removing the child from the home or the care of a parent, guardian, or legal custodian often has the effect of further traumatizing the child. It is, therefore, the legislature's intent that the alleged ((~~offender~~)) abuser, rather than the child, shall be removed or restrained from the ((~~home~~)) child's residence and that this should be done at the earliest possible point of intervention in accordance with RCW 10.31.100, ((~~13.34.130~~)) chapter 13.34 RCW, this section, and RCW 26.44.130.

(2) In any judicial proceeding in which it is alleged that a child has been subjected to sexual or physical abuse, if the court finds reasonable grounds to believe that an incident of sexual or physical abuse has occurred, the court may, on its own motion, or the motion of the guardian ad litem or other parties, issue a temporary restraining order or preliminary injunction restraining or enjoining the person accused of committing the abuse from:

(a) Molesting or disturbing the peace of the alleged victim;

(b) Entering the family home of the alleged victim except as specifically authorized by the court;

(c) Having any contact with the alleged victim, except as specifically authorized by the court;

(d) Knowingly coming within, or knowingly remaining within, a specified distance of a specified location.

(3) If the caretaker is willing, and does comply with the duties prescribed in subsection (8) of this section, uncertainty by the caretaker that the alleged abuser has in fact abused the alleged victim shall not, alone, be a basis to remove the alleged victim from the caretaker, nor shall it be considered neglect.

(4) In issuing a temporary restraining order or preliminary injunction, the court may impose any additional restrictions that the court in its discretion determines are necessary to protect the child from further abuse or emotional trauma pending final resolution of the abuse allegations.

(((~~(4)~~))) (5) The court shall issue a temporary restraining order prohibiting a person from entering the family home if the court finds that the order would eliminate the need for an out-of-home placement to protect the child's right to nurturance, health, and safety and is sufficient to protect the child from further sexual or physical abuse or coercion.

(((~~(5)~~))) (6) The court may issue a temporary restraining order without requiring notice to the party to be restrained or other parties only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for responding has elapsed.

(((~~(6)~~))) (7) A temporary restraining order or preliminary injunction:

(a) Does not prejudice the rights of a party or any child which are to be adjudicated at subsequent hearings in the proceeding; and

(b) May be revoked or modified.

(((~~(7)~~))) (8) The person having physical custody of the child shall have an affirmative duty to assist in the enforcement of the restraining order including but not limited to a duty to notify the court as soon as practicable of any violation of the order, a duty to request the assistance of law enforcement officers to enforce the order, and a duty to notify the department of social and health services of any violation of the order as soon as practicable if the department is a party to the action. Failure by the custodial party to discharge these affirmative duties shall be subject to contempt proceedings.

(((~~(8)~~))) (9) Willful violation of a court order entered under this section is a misdemeanor. A written order shall contain the court's directive and shall bear the legend: "Violation of this order with actual notice of its terms is a criminal offense under chapter 26.44 RCW, is also subject to contempt proceedings, and will subject a violator to arrest."

(((~~(9)~~))) (10) If a restraining order issued under this section is modified or terminated, the clerk of the court shall notify the law enforcement agency specified in the order on or before the next judicial day. Upon receipt of notice that an order has been terminated, the law enforcement agency shall remove the order from any computer-based criminal intelligence system.

Sec. 5. RCW 71.24.035 and 2007 c 414 s 2, 2007 c 410 s 8, and 2007 c 375 s 12 are each reenacted and amended to read as follows:

(1) The department is designated as the state mental health authority.

(2) The secretary shall provide for public, client, and licensed service provider participation in developing the state mental health program, developing contracts with regional support networks, and any waiver request to the federal government under medicaid.

(3) The secretary shall provide for participation in developing the state mental health program for children and other underserved populations, by including representatives on any committee established to provide oversight to the state mental health program.

(4) The secretary shall be designated as the regional support network if the regional support network fails to meet state minimum standards or refuses to exercise responsibilities under RCW 71.24.045.

(5) The secretary shall:

(a) Develop a biennial state mental health program that incorporates regional biennial needs assessments and regional mental health service plans and state services for adults and children with mental illness. The secretary shall also develop a six-year state mental health plan;

(b) Assure that any regional or county community mental health program provides access to treatment for the region's residents, including parents who are ((~~defendants~~)) respondents in dependency cases, in the following order of priority: (i) Persons with acute mental illness; (ii) adults with chronic mental illness and children who are severely emotionally disturbed; and (iii) persons who are seriously disturbed. Such programs shall provide:

(A) Outpatient services;

(B) Emergency care services for twenty-four hours per day;

(C) Day treatment for persons with mental illness which includes training in basic living and social skills, supported work, vocational rehabilitation, and day activities. Such services may include therapeutic treatment. In the case of a child, day treatment includes age-appropriate basic living and social skills, educational and prevocational services, day activities, and therapeutic treatment;

(D) Screening for patients being considered for admission to state mental health facilities to determine the appropriateness of admission;

(E) Employment services, which may include supported employment, transitional work, placement in competitive employment, and other work-related services, that result in persons with mental illness becoming engaged in meaningful and gainful full or part-time work. Other sources of funding such as the division of vocational rehabilitation may be utilized by the secretary to maximize federal funding and provide for integration of services;

(F) Consultation and education services; and

(G) Community support services;

(c) Develop and adopt rules establishing state minimum standards for the delivery of mental health services pursuant to RCW 71.24.037 including, but not limited to:

(i) Licensed service providers. These rules shall permit a county-operated mental health program to be licensed as a service provider subject to compliance with applicable statutes and rules. The secretary shall provide for deeming of compliance with state minimum standards for those entities accredited by recognized behavioral health accrediting bodies recognized and having a current agreement with the department;

(ii) Regional support networks; and

(iii) Inpatient services, evaluation and treatment services and facilities under chapter 71.05 RCW, resource management services, and community support services;

(d) Assure that the special needs of persons who are minorities, elderly, disabled, children, low-income, and parents who are ((~~defendants~~)) respondents in dependency cases are met within the priorities established in this section;

(e) Establish a standard contract or contracts, consistent with state minimum standards and RCW 71.24.320((~~,~~)) and 71.24.330((~~, and 71.24.3201~~)), which shall be used in contracting with regional support networks. The standard contract shall include a maximum fund balance, which shall be consistent with that required by federal regulations or waiver stipulations;

(f) Establish, to the extent possible, a standardized auditing procedure which minimizes paperwork requirements of regional support networks and licensed service providers. The audit procedure shall focus on the outcomes of service and not the processes for accomplishing them;

(g) Develop and maintain an information system to be used by the state and regional support networks that includes a tracking method which allows the department and regional support networks

to identify mental health clients' participation in any mental health service or public program on an immediate basis. The information system shall not include individual patient's case history files. Confidentiality of client information and records shall be maintained as provided in this chapter and in RCW 71.05.390, 71.05.420, and 71.05.440;

(h) License service providers who meet state minimum standards;

(i) Certify regional support networks that meet state minimum standards;

(j) Periodically monitor the compliance of certified regional support networks and their network of licensed service providers for compliance with the contract between the department, the regional support network, and federal and state rules at reasonable times and in a reasonable manner;

(k) Fix fees to be paid by evaluation and treatment centers to the secretary for the required inspections;

(l) Monitor and audit regional support networks and licensed service providers as needed to assure compliance with contractual agreements authorized by this chapter;

(m) Adopt such rules as are necessary to implement the department's responsibilities under this chapter;

(n) Assure the availability of an appropriate amount, as determined by the legislature in the operating budget by amounts appropriated for this specific purpose, of community-based, geographically distributed residential services;

(o) Certify crisis stabilization units that meet state minimum standards; and

(p) Certify clubhouses that meet state minimum standards.

(6) The secretary shall use available resources only for regional support networks, except to the extent authorized, and in accordance with any priorities or conditions specified, in the biennial appropriations act.

(7) Each certified regional support network and licensed service provider shall file with the secretary, on request, such data, statistics, schedules, and information as the secretary reasonably requires. A certified regional support network or licensed service provider which, without good cause, fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent reports thereof, may have its certification or license revoked or suspended.

(8) The secretary may suspend, revoke, limit, or restrict a certification or license, or refuse to grant a certification or license for failure to conform to: (a) The law; (b) applicable rules and regulations; (c) applicable standards; or (d) state minimum standards.

(9) The superior court may restrain any regional support network or service provider from operating without certification or a license or any other violation of this section. The court may also review, pursuant to procedures contained in chapter 34.05 RCW, any denial, suspension, limitation, restriction, or revocation of certification or license, and grant other relief required to enforce the provisions of this chapter.

(10) Upon petition by the secretary, and after hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the secretary authorizing him or her to enter at reasonable times, and examine the records, books, and accounts of any regional support network or service provider refusing to consent to inspection or examination by the authority.

(11) Notwithstanding the existence or pursuit of any other remedy, the secretary may file an action for an injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, or operation of a regional support network or service provider without certification or a license under this chapter.

(12) The standards for certification of evaluation and treatment facilities shall include standards relating to maintenance of good physical and mental health and other services to be afforded persons pursuant to this chapter and chapters 71.05 and 71.34 RCW, and shall otherwise assure the effectuation of the purposes of these chapters.

(13) The standards for certification of crisis stabilization units shall include standards that:

(a) Permit location of the units at a jail facility if the unit is physically separate from the general population of the jail;

(b) Require administration of the unit by mental health professionals who direct the stabilization and rehabilitation efforts; and

(c) Provide an environment affording security appropriate with the alleged criminal behavior and necessary to protect the public safety.

(14) The standards for certification of a clubhouse shall at a minimum include:

(a) The facilities may be peer-operated and must be recovery-focused;

(b) Members and employees must work together;

(c) Members must have the opportunity to participate in all the work of the clubhouse, including administration, research, intake and orientation, outreach, hiring, training and evaluation of staff, public relations, advocacy, and evaluation of clubhouse effectiveness;

(d) Members and staff and ultimately the clubhouse director must be responsible for the operation of the clubhouse, central to this responsibility is the engagement of members and staff in all aspects of clubhouse operations;

(e) Clubhouse programs must be comprised of structured activities including but not limited to social skills training, vocational rehabilitation, employment training and job placement, and community resource development;

(f) Clubhouse programs must provide in-house educational programs that significantly utilize the teaching and tutoring skills of members and assist members by helping them to take advantage of adult education opportunities in the community;

(g) Clubhouse programs must focus on strengths, talents, and abilities of its members;

(h) The work-ordered day may not include medication clinics, day treatment, or other therapy programs within the clubhouse.

(15) The department shall distribute appropriated state and federal funds in accordance with any priorities, terms, or conditions specified in the appropriations act.

(16) The secretary shall assume all duties assigned to the nonparticipating regional support networks under chapters 71.05, 71.34, and 71.24 RCW. Such responsibilities shall include those which would have been assigned to the nonparticipating counties in regions where there are not participating regional support networks.

The regional support networks, or the secretary's assumption of all responsibilities under chapters 71.05, 71.34, and 71.24 RCW, shall be included in all state and federal plans affecting the state mental health program including at least those required by this chapter, the medicaid program, and P.L. 99-660. Nothing in these plans shall be inconsistent with the intent and requirements of this chapter.

(17) The secretary shall:

(a) Disburse funds for the regional support networks within sixty days of approval of the biennial contract. The department must either approve or reject the biennial contract within sixty days of receipt.

(b) Enter into biennial contracts with regional support networks. The contracts shall be consistent with available resources. No contract shall be approved that does not include progress toward meeting the goals of this chapter by taking responsibility for: (i) Short-term commitments; (ii) residential care; and (iii) emergency response systems.

(c) Notify regional support networks of their allocation of available resources at least sixty days prior to the start of a new biennial contract period.

(d) Deny all or part of the funding allocations to regional support networks based solely upon formal findings of noncompliance with the terms of the regional support network's contract with the department. Regional support networks disputing the decision of the secretary to withhold funding allocations are limited to the remedies provided in the department's contracts with the regional support networks.

(18) The department, in cooperation with the state congressional delegation, shall actively seek waivers of federal requirements and such modifications of federal regulations as are necessary to allow federal medicaid reimbursement for services provided by free-standing evaluation and treatment facilities certified under chapter 71.05 RCW. The department shall periodically report its efforts to the appropriate committees of the senate and the house of representatives.

Sec. 6. RCW 74.13.031 and 2007 c 413 s 10 are each amended to read as follows:

The department shall have the duty to provide child welfare services and shall:

(1) Develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of runaway, dependent, or neglected children.

(2) Within available resources, recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, teens, pregnant and parenting teens, and annually report to the governor and the legislature concerning the department's success in: (a) Meeting the need for adoptive and foster home placements; (b) reducing the foster parent turnover rate; (c) completing home studies for legally free children; and (d) implementing and operating the passport program required by RCW 74.13.285. The report shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

(3) Investigate complaints of any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, or sexual abuse or exploitation, or that presents an imminent risk of serious harm, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency((~~: PROVIDED, That~~)). An investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If the investigation reveals that a crime against a child may have been committed, the department shall notify the appropriate law enforcement agency.

(4) Offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(5) ((~~Monitor out-of-home placements, on a timely and routine basis, to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010, and annually submit a report measuring the extent to which the department achieved the specified goals to the governor and the legislature~~)) Monitor placements of children in out-of-home care and in-home dependencies to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010. The policy for monitoring placements under this section shall require that children in out-of-home care and in-home dependencies and their caregivers receive a private and individual face-to-face visit each month.

(a) The department shall conduct the monthly visits with children and caregivers required under this section unless the child's placement is being supervised under a contract between the department and a private agency accredited by a national child welfare accrediting entity, in which case the private agency shall, within existing resources, conduct the monthly visits with the child and with the child's caregiver according to the standards described in this subsection and shall provide the department with a written report of the visits within fifteen days of completing the visits.

(b) In cases where the monthly visits required under this subsection are being conducted by a private agency, the department shall conduct a face-to-face health and safety visit with the child at least once every ninety days.

(6) Have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, to provide for the routine and necessary medical, dental, and mental health care, or necessary emergency care of the children, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

(7) Have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(8) Have authority to purchase care for children; and shall follow in general the policy of using properly approved private agency services for the actual care and supervision of such children insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department.

(9) Establish a children's services advisory committee which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care agencies, adoption, and services related thereto. At least one member shall represent the adoption community.

(10)(a) Have authority to provide continued foster care or group care as needed to participate in or complete a high school or vocational school program.

(b)(i) Beginning in 2006, the department has the authority to allow up to fifty youth reaching age eighteen to continue in foster care or group care as needed to participate in or complete a posthigh school academic or vocational program, and to receive necessary support and transition services.

(ii) In 2007 and 2008, the department has the authority to allow up to fifty additional youth per year reaching age eighteen to remain in foster care or group care as provided in (b)(i) of this subsection.

(iii) A youth who remains eligible for such placement and services pursuant to department rules may continue in foster care or group care until the youth reaches his or her twenty-first birthday. Eligibility requirements shall include active enrollment in a posthigh school academic or vocational program and maintenance of a 2.0 grade point average.

(11) Refer cases to the division of child support whenever state or federal funds are expended for the care and maintenance of a child, including a child with a developmental disability who is placed as a result of an action under chapter 13.34 RCW, unless the department finds that there is good cause not to pursue collection of child support against the parent or parents of the child. Cases involving individuals age eighteen through twenty shall not be referred to the division of child support unless required by federal law.

(12) Have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order; and the purchase of such care shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and 74.13.032 through 74.13.036, or of this section all services to be provided by the department of social and health services under subsections (4), (6), and (7) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

(13) Within amounts appropriated for this specific purpose, provide preventive services to families with children that prevent or shorten the duration of an out-of-home placement.

(14) Have authority to provide independent living services to youths, including individuals who have attained eighteen years of age, and have not attained twenty-one years of age who are or have been in foster care.

(15) Consult at least quarterly with foster parents, including members of the foster parent association of Washington state, for the purpose of receiving information and comment regarding how the department is performing the duties and meeting the obligations specified in this section and RCW 74.13.250 and 74.13.320 regarding the recruitment of foster homes, reducing foster parent turnover rates, providing effective training for foster parents, and administering a coordinated and comprehensive plan that strengthens services for the protection of children. Consultation shall occur at the regional and statewide levels.

NEW SECTION. **Sec. 7.** A new section is added to chapter 74.13 RCW to read as follows:

(1) For the purpose of assisting foster youth in obtaining a Washington state identicard, submission of the information and materials listed in this subsection from the department to the department of licensing is sufficient proof of identity and residency and shall serve as the necessary authorization for the youth to apply for and obtain a Washington state identicard:

(a) A written signed statement prepared on department letterhead, verifying the following:

(i) The youth is a minor who resides in Washington;

(ii) Pursuant to a court order, the youth is dependent and the department or other supervising agency is the legal custodian of the youth under chapter 13.34 RCW or under the interstate compact on the placement of children;

(iii) The youth's full name and date of birth;

(iv) The youth's social security number, if available;

(v) A brief physical description of the youth;

(vi) The appropriate address to be listed on the youth's identicard; and

(vii) Contact information for the appropriate person at the department.

(b) A photograph of the youth, which may be digitized and integrated into the statement.

(2) The department may provide the statement and the photograph via any of the following methods, whichever is most efficient or convenient:

(a) Delivered via first-class mail or electronically to the headquarters office of the department of licensing; or

(b) Hand-delivered to a local office of the department of licensing by a department case worker.

(3) A copy of the statement shall be provided to the youth who shall provide the copy to the department of licensing when making an in-person application for a Washington state identicard.

(4) To the extent other identifying information is readily available, the department shall include the additional information with the submission of information required under subsection (1) of this section.

Sec. 8. RCW 46.20.035 and 2004 c 249 s 2 are each amended to read as follows:

The department may not issue an identicard or a Washington state driver's license that is valid for identification purposes unless the applicant meets the identification requirements of subsection (1), (2), or (3) of this section.

(1) A driver's license or identicard applicant must provide the department with at least one of the following pieces of valid identifying documentation that contains the signature and a photograph of the applicant:

(a) A valid or recently expired driver's license or instruction permit that includes the date of birth of the applicant;

(b) A Washington state identicard or an identification card issued by another state;

(c) An identification card issued by the United States, a state, or an agency of either the United States or a state, of a kind commonly used to identify the members or employees of the government agency;

(d) A military identification card;

(e) A United States passport; or

(f) An Immigration and Naturalization Service form.

(2) An applicant who is a minor may establish identity by providing an affidavit of the applicant's parent or guardian. The parent or guardian must accompany the minor and display or provide:

(a) At least one piece of documentation in subsection (1) of this section establishing the identity of the parent or guardian; and

(b) Additional documentation establishing the relationship between the parent or guardian and the applicant.

(3) A person unable to provide identifying documentation as specified in subsection (1) or (2) of this section may request that the department review other available documentation in order to ascertain identity. The department may waive the requirement if it finds that other documentation clearly establishes the identity of the applicant. Notwithstanding the requirements in subsection (2) of this

section, the department shall issue an identicard to an applicant for whom it receives documentation pursuant to section 7 of this act.

(4) An identicard or a driver's license that includes a photograph that has been renewed by mail or by electronic commerce is valid for identification purposes if the applicant met the identification requirements of subsection (1), (2), or (3) of this section at the time of previous issuance.

(5) The form of an applicant's name, as established under this section, is the person's name of record for the purposes of this chapter.

(6) If the applicant is unable to prove his or her identity under this section, the department shall plainly label the license "not valid for identification purposes."

Sec. 9. RCW 41.06.142 and 2002 c 354 s 208 are each amended to read as follows:

(1) Any department, agency, or institution of higher education may purchase services, including services that have been customarily and historically provided by employees in the classified service under this chapter, by contracting with individuals, nonprofit organizations, businesses, employee business units, or other entities if the following criteria are met:

(a) The invitation for bid or request for proposal contains measurable standards for the performance of the contract;

(b) Employees in the classified service whose positions or work would be displaced by the contract are provided an opportunity to offer alternatives to purchasing services by contract and, if these alternatives are not accepted, compete for the contract under competitive contracting procedures in subsection (4) of this section;

(c) The contract with an entity other than an employee business unit includes a provision requiring the entity to consider employment of state employees who may be displaced by the contract;

(d) The department, agency, or institution of higher education has established a contract monitoring process to measure contract performance, costs, service delivery quality, and other contract standards, and to cancel contracts that do not meet those standards; and

(e) The department, agency, or institution of higher education has determined that the contract results in savings or efficiency improvements. The contracting agency must consider the consequences and potential mitigation of improper or failed performance by the contractor.

(2) Any provision contrary to or in conflict with this section in any collective bargaining agreement in effect on July 1, 2005, is not effective beyond the expiration date of the agreement.

(3) Contracting for services that is expressly mandated by the legislature or was authorized by law prior to July 1, 2005, including contracts and agreements between public entities, shall not be subject to the processes set forth in subsections (1) ((~~and~~)), (4) ((~~through (6)~~)), and (5) of this section.

(4) Competitive contracting shall be implemented as follows:

(a) At least ninety days prior to the date the contracting agency requests bids from private entities for a contract for services provided by classified employees, the contracting agency shall notify the classified employees whose positions or work would be displaced by the contract. The employees shall have sixty days from the date of notification to offer alternatives to purchasing services by contract, and the agency shall consider the alternatives before requesting bids.

(b) If the employees decide to compete for the contract, they shall notify the contracting agency of their decision. Employees must form one or more employee business units for the purpose of submitting a bid or bids to perform the services.

(c) The director of personnel, with the advice and assistance of the department of general administration, shall develop and make available to employee business units training in the bidding process and general bid preparation.

(d) The director of general administration, with the advice and assistance of the department of personnel, shall, by rule, establish procedures to ensure that bids are submitted and evaluated in a fair and objective manner and that there exists a competitive market for the service. Such rules shall include, but not be limited to: (i) Prohibitions against participation in the bid evaluation process by employees who prepared the business unit's bid or who perform any of the services to be contracted; (ii) provisions to ensure no bidder receives an advantage over other bidders and that bid requirements are applied equitably to all parties; and (iii) procedures that require the contracting agency to receive complaints regarding the bidding process and to consider them before awarding the contract. Appeal of an agency's actions under this subsection is an adjudicative proceeding and subject to the applicable provisions of chapter 34.05 RCW, the administrative procedure act, with the final decision to be rendered by an administrative law judge assigned under chapter 34.12 RCW.

(e) An employee business unit's bid must include the fully allocated costs of the service, including the cost of the employees' salaries and benefits, space, equipment, materials, and other costs necessary to perform the function. An employee business unit's cost shall not include the state's indirect overhead costs unless those costs can be attributed directly to the function in question and would not exist if that function were not performed in state service.

(f) A department, agency, or institution of higher education may contract with the department of general administration to conduct the bidding process.

(5) As used in this section:

(a) "Employee business unit" means a group of employees who perform services to be contracted under this section and who submit a bid for the performance of those services under subsection (4) of this section.

(b) "Indirect overhead costs" means the pro rata share of existing agency administrative salaries and benefits, and rent, equipment costs, utilities, and materials associated with those administrative functions.

(c) "Competitive contracting" means the process by which classified employees of a department, agency, or institution of higher education compete with businesses, individuals, nonprofit organizations, or other entities for contracts authorized by subsection (1) of this section.

(6) ((~~The joint legislative audit and review committee shall conduct a performance audit of the implementation of this section, including the adequacy of the appeals process in subsection (4)(d) of this section, and report to the legislature by January 1, 2007, on the results of the audit.~~)) The requirements of this section do not apply to RCW 74.13.031(5).

NEW SECTION. **Sec. 10.** A new section is added to chapter 74.15 RCW to read as follows:

To be eligible for placement in a HOPE center, a minor must be either a street youth, as that term is defined in this chapter, or a youth who, without placement in a HOPE center, will continue to participate in increasingly risky behavior. Youth may also self-refer to a HOPE center. Payment for a HOPE center bed is not contingent upon prior approval by the department.

Sec. 11. RCW 74.15.240 and 1999 c 267 s 14 are each amended to read as follows:

To be eligible for placement in a responsible living skills program, the minor must be dependent under chapter 13.34 RCW and must have lived in a HOPE center or in a secure crisis residential center. However, if the minor's caseworker determines that placement in a responsible living skills program would be the most appropriate placement given the minor's current circumstances, prior residence in a HOPE center or secure crisis residential center before placement in a responsible living program is not required. Responsible living skills centers are intended as a placement alternative for dependent youth that the department chooses for the youth because no other services or alternative placements have been successful. Responsible living skills centers are not for dependent youth whose permanency plan includes return to home or family reunification.

NEW SECTION. **Sec. 12.** Section 5 of this act takes effect December 31, 2008."

Correct the title.

Signed by Representatives Kagi, Chair; Roberts, Vice Chair; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Goodman; Hinkle and Pettigrew.

Referred to Committee on Appropriations.

February 27, 2008

SB 6799 Prime Sponsor, Senator Regala: Concerning the sourcing, for sales and use tax purposes, of sales of tangible personal property by florists. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Condotta, Assistant Ranking Minority Member; Conway; Ericks; McIntire; Roach and Santos.

MINORITY recommendation: Without recommendation. Signed by Representative Orcutt, Ranking Minority Member.

Passed to Committee on Rules for second reading.

February 27, 2008

SSB 6805 Prime Sponsor, Senate Committee on Agriculture & Rural Economic Development: Promoting farm and forest land preservation and restoration through conservation markets. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that:

(a) Farmers and small forest landowners should be encouraged through the use of incentives to conserve and restore natural areas on their farms and small tree farming operations in ways that improve the long-term viability of these operations by providing ongoing revenue to these operations without taking whole farms or significant amounts of farmland or small tree farming operations out of production;

(b) Farmers and small forest landowners have the ability to produce restoration products as well as implement conservation practices on their productive agricultural lands and small tree farms in a way that is likely to be useful to fulfill the mitigation, compliance, and other environmental needs of public agencies such as the Washington state department of transportation, and to meet other market demands such as the availability of feed or conditions for overwintering of migratory waterfowl or for conserving and enhancing fish and wildlife habitat;

(c) Family farmers and family-owned small tree farming operations currently produce environmental benefits that would cost millions of dollars to replace with man-made infrastructure. Among these benefits are water filtration, floodwater dispersal, fish and wildlife habitat, open spaces, and scenic views;

(d) Other communities in the United States have established conservation markets in which landowners are paid to produce such restoration products; and

(e) The use of such markets could provide much needed income to sustain the viability of Washington farmers and small forest landowners, meet mitigation and compliance needs, accelerate permitting of public infrastructure, and provide environmental benefits.

(2) Therefore, the legislature finds that it is good public policy to evaluate the feasibility and potential effectiveness of conservation markets in Washington state that provide dual benefits of improving the viability of agriculture and providing environmental or fish and wildlife benefits.

NEW SECTION. **Sec. 2.** (1) Subject to the availability of amounts appropriated for this purpose, the commission shall conduct a study to evaluate the feasibility and desirability of establishing farm-based or forest-based conservation markets in Washington. The commission may enter into a contract with an entity that has the knowledge and experience of agriculture and of conservation markets for this effort. The commission, entity, or both shall:

(a) Evaluate other conservation markets in operation in the United States that provide ongoing revenue to improve the long-term viability of family farms and small forestry operations, including those focused on water quality trading, endangered species conservation banking, rental of environmental benefits, and wetland banking, to determine relevant lessons for Washington conservation markets;

(b) Collaborate with Washington farm organizations, small forestry landowner organizations, key farm community leaders, agricultural special purpose districts, local governments, and relevant natural resource agencies to:

(i) Determine interests, needs, and concerns about participating in a conservation market;

(ii) Assess the market-ready environmental maintenance, restoration, and enhancement products that could profitably and dependably be produced on farms and small forestry operations, including endangered species habitat, wetlands, water quality treatment, carbon sequestration, biodiversity, and other fish and wildlife habitat; and

(iii) Identify opportunities for conservation markets that could provide ongoing revenue to improve the long-term viability of family farming and small forestry operations and could supplement existing conservation programs currently used by landowners, such as the conservation reserve enhancement program, and increased use of the public benefit rating system;

(c) Work with the Washington state department of transportation, utility districts, local road departments, and other public agencies to determine potential demand for restoration products produced on farms and small forestry operations to fulfill upcoming mitigation and compliance needs. The underlying analysis shall emphasize demand associated with construction of roads, utilities, and other public structures, as well as periodic repermitting of wastewater and other public utilities;

(d) Forecast market activity, including the potential supply of restoration products, including those produced through existing restoration programs, and the potential demand for such products to address mitigation, compliance, and other environmental needs and other market demands. This analysis shall also identify services, materials, technical assistance, financing, and other support that would facilitate the use of conservation markets;

(e) Consult with the Washington departments of ecology and fish and wildlife, the United States army corps of engineers, and local government permitting agencies to determine their willingness to use farm-produced restoration products to fulfill mitigation and compliance needs and also evaluate changes in rules and policy that would facilitate permitting of conservation market activities;

(f) Consult with the Northwest Indian fisheries commission and individual Indian tribes to determine their interest in and potential support of conservation markets;

(g) Coordinate with the department of agriculture regarding the "Future of Farming" project, the William D. Ruckelshaus Center on its activities relating to chapter 353, Laws of 2007, the office of farmland preservation and the office's efforts to retain farmland in agricultural production, the Washington biodiversity project, the department of ecology regarding its "Mitigation that Works" project, and the office of regulatory assistance on its integrated project review and mitigation project to ensure consistency with these efforts; and

(h) Develop findings and recommendations on the feasibility and desirability of creating farm-based and forest-based conservation markets in Washington state.

(2) If the study determines that farm-based conservation markets are feasible and desirable, the commission, contracting entity, or both, shall conduct two demonstration projects in Washington farm communities. The commission, entity, or both shall:

(a) Select demonstration project areas that have a combination of enthusiastic farmers, a substantial supply of potential restoration products from farms, potential for public and private cost-sharing of project costs, and upcoming development or permitting activity that is likely to trigger significant mitigation and compliance demands;

(b) Identify and map areas of highly productive agricultural activity and work with the departments of ecology and fish and wildlife to identify locations of high-priority wetland and habitat restoration or water quality improvement to ensure that conservation market-driven restoration does not infringe on highly productive farmland;

(c) Identify up to three potential credit transactions in each demonstration project area and work with relevant farmers, permittees, and permitting agencies to facilitate transactions in mitigation and compliance credits;

(d) Work with the department of ecology and other relevant permitting agencies to develop standards for approval of conservation market transactions to fulfill mitigation and compliance requirements and to identify priority areas for focusing conservation market sites based on the highest ecological benefits for the watershed and the restoration of ecosystem processes that minimize impacts to high quality agricultural lands;

(e) Work with conservation districts to determine district interest in participation in a conservation markets program, including a determination of district capacity and resources to participate in such a program;

(f) Evaluate options for facilitating conservation market transactions, including the use of farmer cooperatives, brokerage services, and banks; and

(g) Develop findings on the results of the demonstration projects and the implications for broader use of farm-based conservation markets in Washington state.

(3) As used in this act:

(a) "Commission" means the Washington state conservation commission.

(b) "Conservation market" means a farm or forest-based market for selling credits for wetland or habitat restoration or water quality cleanup to agencies in need of such credits to fulfill environmental mitigation, compliance requirements, and other environmental needs. The term shall also be broadly interpreted to include any program that provides ongoing revenue to sustain the long-term viability of farms and small forestry operations as a result of maintaining or enhancing environmental benefits such as open space, fish and wildlife habitat, floodwater dispersal, water filtration, buffers from more intense development, or any other environmental benefit resulting from the ongoing operation of the farm.

(c) "Small forest landowner" has the same meaning as in RCW 76.09.450.

(4) The commission shall present findings and recommendations from the conservation markets study to the governor and appropriate committees of the legislature by December 1, 2008. The findings and recommendations shall include:

(a) Findings regarding the match between the availability of farm-produced and forestry-produced restoration products and the demand for such products associated with mitigation and compliance for public agency projects and activities in the demonstration project area;

(b) Findings regarding the interests and capabilities of farmers, small forest landowners, public development agencies, and permitting agencies to participate in the demonstration conservation market;

(c) Findings regarding the likelihood that farm-based and forest-based conservation markets could provide a successful mechanism for addressing mitigation, compliance, and other environmental needs for public construction projects and permitting of public utilities; and

(d) Recommendations on whether to proceed to the initiation of demonstration projects.

(5) If the project proceeds into the demonstration project phase, the commission shall present findings and recommendations regarding the conservation markets' demonstration projects to the governor and appropriate committees of the legislature by December 1, 2009. The findings and recommendations shall include:

(a) Findings on the ability to produce conservation market-ready restoration and clean-up projects without infringing on high-quality farmland;

(b) Findings on standards for review and approval of conservation market transactions in permitting processes;

(c) Findings on potential conservation market transactions in the demonstration project areas;

(d) Recommendations on measures that the Washington state department of transportation and other state agencies can take to facilitate their use of conservation markets to fulfill mitigation and compliance needs and waterfowl or wildlife habitat enhancement goals;

(e) Recommendations on support services that could be provided by state agencies to facilitate conservation markets throughout Washington, including but not limited to financing, permit assistance, technical assistance, materials, and other services.

(6) This section expires December 31, 2009."

Correct the title.

Signed by Representatives Blake, Chair; Van De Wege, Vice Chair; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Eickmeyer; Grant; Lantz; Loomis; McCoy; Nelson; Newhouse and Orcutt.

Referred to Committee on Appropriations.

February 27, 2008

SSB 6807 Prime Sponsor, Senate Committee on Health & Long-Term Care: Restricting long-term care facilities. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Morrell, Vice Chair; Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Barlow; Campbell; Condotta; DeBolt; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

Passed to Committee on Rules for second reading.

February 29, 2008

ESB 6821 Prime Sponsor, Senator Hatfield: Exempting certain information obtained by the department of fish and wildlife from disclosure under chapter 42.56 RCW. (REVISED FOR PASSED LEGISLATURE: Regarding fish and wildlife harvest management.) Reported by Committee on Appropriations Subcommittee on General Government & Audit Review

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 42.56.430 and 2007 c 293 s 1 are each amended to read as follows:

The following information relating to fish and wildlife is exempt from disclosure under this chapter:

(1) Commercial fishing catch data from logbooks required to be provided to the department of fish and wildlife under RCW 77.12.047, when the data identifies specific catch location, timing, or methodology and the release of which would result in unfair competitive disadvantage to the commercial fisher providing the catch data, however, this information may be released to government agencies concerned with the management of fish and wildlife resources;

(2) Sensitive fish and wildlife data. Sensitive fish and wildlife data may be released to the following entities and their agents for fish, wildlife, land management purposes, or scientific research needs: Government agencies, public utilities, and accredited colleges and universities. Sensitive fish and wildlife data may be released to tribal governments. Sensitive fish and wildlife data may also be released to the owner, lessee, or right-of-way or easement holder of the private land to which the data pertains. The release of sensitive fish and wildlife data may be subject to a confidentiality agreement, except upon release of sensitive fish and wildlife data to the owner, lessee, or right-of-way or easement holder of private land who initially provided the data. Sensitive fish and wildlife data does not include data related to reports of predatory wildlife as specified in RCW 77.12.885. Sensitive fish and wildlife data must meet at least one of the following criteria of this subsection as applied by the department of fish and wildlife:

(a) The nesting sites or specific locations of endangered species designated under RCW 77.12.020, or threatened or sensitive species classified by rule of the department of fish and wildlife;

(b) Radio frequencies used in, or locational data generated by, telemetry studies; or

(c) Other location data that could compromise the viability of a specific fish or wildlife population, and where at least one of the following criteria are met:

(i) The species has a known commercial or black market value;

(ii) There is a history of malicious take of that species and the species behavior or ecology renders it especially vulnerable;

(iii) There is a known demand to visit, take, or disturb the species; or

(iv) The species has an extremely limited distribution and concentration; ((~~and~~))

(3) The personally identifying information of persons who acquire recreational licenses under RCW 77.32.010 or commercial licenses under chapter 77.65 or 77.70 RCW, except name, address of contact used by the department, and type of license, endorsement, or tag; however, the department of fish and wildlife may disclose personally identifying information to:

(a) Government agencies concerned with the management of fish and wildlife resources;

(b) The department of social and health services, child support division, and to the department of licensing in order to implement RCW 77.32.014 and 46.20.291; and

(c) Law enforcement agencies for the purpose of firearm possession enforcement under RCW 9.41.040; and

(4) Information that the department of fish and wildlife has received or accessed but may not disclose due to confidentiality requirements in the Magnuson-Stevens fishery conservation and management reauthorization act of 2006 (16 U.S.C. Sec. 1861(h)(3) and (i), and Sec. 1881a(b)).

Sec. 2. RCW 77.80.020 and 1984 c 67 s 1 are each amended to read as follows:

(1)(a) The department may purchase commercial fishing vessels and appurtenant gear, and the current state commercial fishing licenses, delivery permits, and charter boat licenses if the license or permit holder was substantially restricted in fishing as a result of compliance with *United States of America et al. v. State of Washington et al.,* Civil No. 9213, United States District Court for Western District of Washington, February 12, 1974, and *Sohappy v.*

Smith, 302 F. Supp. 899 (D. Oregon, 1969), as amended, affirmed, and remanded 529 F. 2d 570 (9th Cir., 1976).

(b) The department may also make such purchases if the license or permit holder was substantially restricted in fishing as a result of compliance with *United States of America et al. v. State of Washington et al*., 873 F. Supp. 1422 (W.D. Wash. 1994) as affirmed in part, reversed in part, and remanded 157 F.3d 630 (9th Cir., 1998), if the federal government provides funding to the state for the purpose of initiating these purchases.

(2) The department shall not purchase a vessel under this section without also purchasing all current Washington commercial fishing licenses and delivery permits and charter boat licenses issued to the vessel or its owner. The department may purchase current licenses and delivery permits without purchasing the vessel.

Sec. 3. RCW 77.80.050 and 1995 c 269 s 3201 are each amended to read as follows:

The director shall adopt rules for the administration of ((~~the program~~)) this chapter. To assist the department in the administration of ((~~the program~~)) this chapter, the director may contract with persons not employed by the state and may enlist the aid of other state agencies.

Sec. 4. RCW 77.80.060 and 2000 c 107 s 91 are each amended to read as follows:

(1) The director is responsible for the administration and disbursement of all funds, goods, commodities, and services received by the state under ((~~the program~~)) this chapter.

(2) There is created within the state treasury a fund to be known as the "vessel, gear, license, and permit reduction fund". This fund shall be used for purchases under RCW 77.80.020 and for the administration of ((~~the program~~)) this chapter. This fund shall be credited with federal or other funds received to carry out the purposes of ((~~the program~~)) this chapter and the proceeds from the sale or other disposition of property purchased under RCW 77.80.020.

NEW SECTION. **Sec. 5.** RCW 77.80.010 (Definitions) and 2000 c 107 s 88, 1985 c 7 s 150, 1983 1st ex.s. c 46 s 155, 1977 ex.s. c 230 s 3, & 1975 1st ex.s. c 183 s 3 are each repealed."

Correct the title.

Signed by Representatives Linville, Chair; Ericks, Vice Chair; Skinner, Assistant Ranking Minority Member; Alexander; Blake; Chandler; Kretz; Lantz; Liias and Nelson.

Referred to Committee on Appropriations General Government & Audit Review.

February 28, 2008

SSB 6847 Prime Sponsor, Senate Committee on Consumer Protection & Housing: Regulating real estate settlement services. Reported by Committee on Insurance, Financial Services & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Kelley, Vice Chair; Roach, Ranking Minority Member; Hurst; Loomis; Rodne; Santos; Simpson and Smith.

Passed to Committee on Rules for second reading.

February 27, 2008

SSB 6851 Prime Sponsor, Senate Committee on Ways & Means: Concerning the documentation required in order to obtain a real estate excise tax exemption at the time of inheritance. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended.

On page 2, line 12, after "surviving spouse" insert "or surviving domestic partner"

On page 2, line 14, after "surviving spouse" insert "or surviving domestic partner"

Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Orcutt, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Conway; Ericks; McIntire; Roach and Santos.

Passed to Committee on Rules for second reading.

February 27, 2008

2SSB 6855 Prime Sponsor, Senate Committee on Ways & Means: Concerning funding for jobs, economic development, and local capital projects. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.160.010 and 1999 c 164 s 101 and 1999 c 94 s 5 are each reenacted and amended to read as follows:

(1) The legislature finds that it is the public policy of the state of Washington to direct financial resources toward the fostering of economic development through the stimulation of investment and job opportunities and the retention of sustainable existing employment for the general welfare of the inhabitants of the state. Reducing unemployment and reducing the time citizens remain jobless is important for the economic welfare of the state. A valuable means of fostering economic development is the construction of public facilities which contribute to the stability and growth of the state's economic base. ((~~Strengthening the economic base through issuance of industrial development bonds, whether single or umbrella, further serves to reduce unemployment. Consolidating issues of industrial development bonds when feasible to reduce costs additionally advances the state's purpose to improve economic vitality.~~)) Expenditures made for these purposes as authorized in this chapter are declared to be in the public interest, and constitute a proper use of public funds. A community economic revitalization board is

needed which shall aid the development of economic opportunities. The general objectives of the board should include:

(a) Strengthening the economies of areas of the state which have experienced or are expected to experience chronically high unemployment rates or below average growth in their economies;

(b) Encouraging the diversification of the economies of the state and regions within the state in order to provide greater seasonal and cyclical stability of income and employment;

(c) Encouraging wider access to financial resources for both large and small industrial development projects;

(d) Encouraging new economic development or expansions to maximize employment;

(e) Encouraging the retention of viable existing firms and employment; and

(f) Providing incentives for expansion of employment opportunities for groups of state residents that have been less successful relative to other groups in efforts to gain permanent employment.

(2) The legislature also finds that the state's economic development efforts can be enhanced by, in certain instances, providing funds to improve state highways, county roads, or city streets for industries considering locating or expanding in this state.

(((~~(a)~~))) (3) The legislature finds it desirable to provide a process whereby the need for diverse public works improvements necessitated by planned economic development can be addressed in a timely fashion and with coordination among all responsible governmental entities.

(((~~(b) All transportation improvements on state highways must first be approved by the state transportation commission and the community economic revitalization board in accordance with the procedures established by RCW 43.160.074 and 47.01.280.~~

~~(3)~~))) (4) The legislature also finds that the state's economic development efforts can be enhanced by, in certain instances, providing funds to assist development of telecommunications infrastructure that supports business development, retention, and expansion in ((~~rural natural resources impact areas and rural counties of~~)) the state.

(((~~(4)~~))) (5) The legislature also finds that the state's economic development efforts can be enhanced by providing funds to improve markets for those recyclable materials representing a large fraction of the waste stream. The legislature finds that public facilities which result in private construction of processing or remanufacturing facilities for recyclable materials are eligible for consideration from the board.

(((~~(5)~~))) (6) The legislature finds that sharing economic growth statewide is important to the welfare of the state. ((~~Rural counties and rural natural resources impact areas do not share in the economic vitality of the Puget Sound region.~~)) The ability of ((~~these~~)) communities to pursue business and job retention, expansion, and development opportunities depends on their capacity to ready necessary economic development project plans, sites, permits, and infrastructure for private investments. Project-specific planning, predevelopment, and infrastructure are critical ingredients for economic development. ((~~Rural counties and rural natural resources impact areas generally lack these necessary tools and resources to diversify and revitalize their economies.~~)) It is, therefore, the intent of the legislature to increase the amount of funding available through the community economic revitalization board ((~~for rural counties and rural natural resources impact areas,~~)) and to authorize flexibility for available resources in these areas to help fund planning, predevelopment, and construction costs of infrastructure and facilities and sites that foster economic vitality and diversification.

Sec. 2. RCW 43.160.020 and 2004 c 252 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the community economic revitalization board.

(2) ((~~"Bond" means any bond, note, debenture, interim certificate, or other evidence of financial indebtedness issued by the board pursuant to this chapter.~~

~~(3)~~)) "Department" means the department of community, trade, and economic development.

(((~~(4) "Financial institution" means any bank, savings and loan association, credit union, development credit corporation, insurance company, investment company, trust company, savings institution, or other financial institution approved by the board and maintaining an office in the state.~~

~~(5) "Industrial development facilities" means "industrial development facilities" as defined in RCW 39.84.020.~~

~~(6) "Industrial development revenue bonds" means tax-exempt revenue bonds used to fund industrial development facilities.~~

~~(7)~~)) (3) "Local government" or "political subdivision" means any port district, county, city, town, special purpose district, and any other municipal corporations or quasi-municipal corporations in the state providing for public facilities under this chapter.

(((~~(8) "Sponsor" means any of the following entities which customarily provide service or otherwise aid in industrial or other financing and are approved as a sponsor by the board: A bank, trust company, savings bank, investment bank, national banking association, savings and loan association, building and loan association, credit union, insurance company, or any other financial institution, governmental agency, or holding company of any entity specified in this subsection.~~

~~(9) "Umbrella bonds" means industrial development revenue bonds from which the proceeds are loaned, transferred, or otherwise made available to two or more users under this chapter.~~

~~(10) "User" means one or more persons acting as lessee, purchaser, mortgagor, or borrower under a financing document and receiving or applying to receive revenues from bonds issued under this chapter.~~

~~(11)~~)) (4) "Public facilities" means a project of a local government or a federally recognized Indian tribe for the planning, acquisition, construction, repair, reconstruction, replacement, rehabilitation, or improvement of bridges, roads, domestic and industrial water, earth stabilization, sanitary sewer, storm sewer, railroad, electricity, telecommunications, transportation, natural gas, buildings or structures, and port facilities, all for the purpose of job creation, job retention, or job expansion.

(((~~(12)~~))) (5) "Rural county" means a county with a population density of fewer than one hundred persons per square mile or a county smaller than two hundred twenty-five square miles, as determined by the office of financial management and published each year by the department for the period July 1st to June 30th.

(((~~(13) "Rural natural resources impact area" means:~~

~~(a) A nonmetropolitan county, as defined by the 1990 decennial census, that meets three of the five criteria set forth in subsection (14) of this section;~~

~~(b) A nonmetropolitan county with a population of less than forty thousand in the 1990 decennial census, that meets two of the five criteria as set forth in subsection (14) of this section; or~~

~~(c) A nonurbanized area, as defined by the 1990 decennial census, that is located in a metropolitan county that meets three of the five criteria set forth in subsection (14) of this section.~~

~~(14) For the purposes of designating rural natural resources impact areas, the following criteria shall be considered:~~

~~(a) A lumber and wood products employment location quotient at or above the state average;~~

~~(b) A commercial salmon fishing employment location quotient at or above the state average;~~

~~(c) Projected or actual direct lumber and wood products job losses of one hundred positions or more;~~

~~(d) Projected or actual direct commercial salmon fishing job losses of one hundred positions or more; and~~

~~(e) An unemployment rate twenty percent or more above the state average. The counties that meet these criteria shall be determined by the employment security department for the most recent year for which data is available. For the purposes of administration of programs under this chapter, the United States post office five-digit zip code delivery areas will be used to determine residence status for eligibility purposes. For the purpose of this definition, a zip code delivery area of which any part is ten miles or more from an urbanized area is considered nonurbanized. A zip code totally surrounded by zip codes qualifying as nonurbanized under this definition is also considered nonurbanized. The office of financial management shall make available a zip code listing of the areas to all agencies and organizations providing services under this chapter.~~))

Sec. 3. RCW 43.160.030 and 2004 c 252 s 2 are each amended to read as follows:

(1) The community economic revitalization board is hereby created to exercise the powers granted under this chapter.

(2) The board shall consist of one member from each of the two major caucuses of the house of representatives to be appointed by the speaker of the house and one member from each of the two major caucuses of the senate to be appointed by the president of the senate. The board shall also consist of the following members appointed by the governor: A recognized private or public sector economist; one port district official; one county official; one city official; one representative of a federally recognized Indian tribe; one representative of the public; one representative of small businesses each from: (a) The area west of Puget Sound, (b) the area east of Puget Sound and west of the Cascade range, (c) the area east of the Cascade range and west of the Columbia river, and (d) the area east of the Columbia river; one executive from large businesses each from the area west of the Cascades and the area east of the Cascades. The appointive members shall initially be appointed to terms as follows: Three members for one-year terms, three members for two-year terms, and three members for three-year terms which shall include the chair. Thereafter each succeeding term shall be for three years. The chair of the board shall be selected by the governor. The members of the board shall elect one of their members to serve as vice-chair. The director of community, trade, and economic development, the director of revenue, the commissioner of employment security, and the secretary of transportation shall serve as nonvoting advisory members of the board.

(3) Management services, including fiscal and contract services, shall be provided by the department to assist the board in implementing this chapter ((~~and the allocation of private activity bonds~~)).

(4) Members of the board shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(5) If a vacancy occurs by death, resignation, or otherwise of appointive members of the board, the governor shall fill the same for the unexpired term. Members of the board may be removed for malfeasance or misfeasance in office, upon specific written charges by the governor, under chapter 34.05 RCW.

(6) A member appointed by the governor may not be absent from more than fifty percent of the regularly scheduled meetings in any one calendar year. Any member who exceeds this absence limitation is deemed to have withdrawn from the office and may be replaced by the governor.

(7) A majority of members currently appointed constitutes a quorum.

Sec. 4. RCW 43.160.050 and 1996 c 51 s 4 are each amended to read as follows:

The board may:

(1) Adopt bylaws for the regulation of its affairs and the conduct of its business.

(2) Adopt an official seal and alter the seal at its pleasure.

(3) Utilize the services of other governmental agencies.

(4) Accept from any federal agency loans or grants for the planning or financing of any project and enter into an agreement with the agency respecting the loans or grants.

(5) Conduct examinations and investigations and take testimony at public hearings of any matter material for its information that will assist in determinations related to the exercise of the board's lawful powers.

(6) Accept any gifts, grants, or loans of funds, property, or financial or other aid in any form from any other source on any terms and conditions which are not in conflict with this chapter.

(7) ((~~Exercise all the powers of a public corporation under chapter 39.84 RCW.~~

~~(8) Invest any funds received in connection with industrial development revenue bond financing not required for immediate use, as the board considers appropriate, subject to any agreements with owners of bonds.~~

~~(9) Arrange for lines of credit for industrial development revenue bonds from and enter into participation agreements with any financial institution.~~

~~(10) Issue industrial development revenue bonds in one or more series for the purpose of defraying the cost of acquiring or improving any industrial development facility or facilities and securing the payment of the bonds as provided in this chapter.~~

~~(11)~~)) Enter into agreements or other transactions with and accept grants and the cooperation of any governmental agency in furtherance of this chapter.

(((~~(12) Sell, purchase, or insure loans to finance the costs of industrial development facilities.~~

~~(13) Service, contract, and pay for the servicing of loans for industrial development facilities.~~

~~(14) Provide financial analysis and technical assistance for industrial development facilities when the board reasonably considers it appropriate.~~

~~(15) Collect, with respect to industrial development revenue bonds, reasonable interest, fees, and charges for making and servicing its lease agreements, loan agreements, mortgage loans, notes, bonds, commitments, and other evidences of indebtedness. Interest, fees, and charges are limited to the amounts required to pay the costs of the board, including operating and administrative expenses and reasonable allowances for losses that may be incurred.~~

~~(16) Procure insurance or guarantees from any party as allowable under law, including a governmental agency, against any loss in connection with its lease agreements, loan agreements, mortgage loans, and other assets or property.~~

~~(17)~~)) (8) Adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of this chapter.

((~~(18)~~)) (9) Do all acts and things necessary or convenient to carry out the powers expressly granted or implied under this chapter.

Sec. 5. RCW 43.160.060 and 2007 c 231 s 3 are each amended to read as follows:

The board is authorized to make direct loans to political subdivisions of the state and to federally recognized Indian tribes for the purposes of assisting the political subdivisions and federally recognized Indian tribes in financing the cost of public facilities, including development of land and improvements for public facilities, project-specific environmental, capital facilities, land use, permitting, feasibility, and marketing studies and plans; project design, site planning, and analysis; project debt and revenue impact analysis; as well as the construction, rehabilitation, alteration, expansion, or improvement of the facilities. A grant may also be authorized for purposes designated in this chapter, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the political subdivision or the federally recognized Indian tribe and the finding by the board that financial circumstances require grant assistance to enable the project to move forward. However, ((~~at least ten~~)) no more than twenty-five percent of all financial assistance ((~~provided~~)) approved by the board in any biennium ((~~shall~~)) may consist of grants to political subdivisions and federally recognized Indian tribes.

Application for funds shall be made in the form and manner as the board may prescribe. In making grants or loans the board shall conform to the following requirements:

(1) The board shall not provide financial assistance:

(a) For a project the primary purpose of which is to facilitate or promote a retail shopping development or expansion.

(b) For any project that evidence exists would result in a development or expansion that would displace existing jobs in any other community in the state.

(c) ((~~For the acquisition of real property, including buildings and other fixtures which are a part of real property.~~

~~(d)~~)) For a project the primary purpose of which is to facilitate or promote gambling.

(d) For a project located outside the jurisdiction of the applicant political subdivision or federally recognized Indian tribe.

(2) The board shall only provide financial assistance:

(a) For ((~~those projects which would result in specific private developments or expansions (i) in manufacturing, production, food processing, assembly, warehousing, advanced technology, research and development, and industrial distribution; (ii) for processing recyclable materials or for facilities that support recycling, including processes not currently provided in the state, including but not limited to, de-inking facilities, mixed waste paper, plastics, yard waste, and problem-waste processing; (iii) for manufacturing facilities that rely significantly on recyclable materials, including but not limited to waste tires and mixed waste paper; (iv) which support the relocation of businesses from nondistressed urban areas to rural counties or rural natural resources impact areas; or (v) which substantially support the trading of goods or services outside of the state's borders.~~

~~(b) For projects which it finds~~)) a project demonstrating convincing evidence that a specific private development or expansion is ready to occur and will occur only if the public facility improvement is made that:

(i) Results in the creation of significant private sector jobs or significant private sector capital investment as determined by the board and is consistent with the state comprehensive economic development plan developed by the Washington economic development commission pursuant to chapter 43.162 RCW, once the plan is adopted; and

(ii) Will improve the opportunities for the successful maintenance, establishment, or expansion of industrial or commercial plants or will otherwise assist in the creation or retention of long-term economic opportunities((~~.~~

~~(c) When the application includes convincing evidence that a specific private development or expansion is ready to occur and will occur only if the public facility improvement is made~~));

(b) For a project that cannot meet the requirement of (a) of this subsection but is a project that:

(i) Results in the creation of significant private sector jobs or significant private sector capital investment as determined by the board and is consistent with the state comprehensive economic development plan developed by the Washington economic development commission pursuant to chapter 43.162 RCW, once the plan is adopted;

(ii) Is part of a local economic development plan consistent with applicable state planning requirements;

(iii) Can demonstrate project feasibility using standard economic principles; and

(iv) Is located in a rural community as defined by the board, or a rural county;

(c) For site-specific plans, studies, and analyses that address environmental impacts, capital facilities, land use, permitting, feasibility, marketing, project engineering, design, site planning, and project debt and revenue impacts, as grants not to exceed fifty thousand dollars.

(3) The board shall develop guidelines for local participation and allowable match and activities.

(4) An application must demonstrate local match and local participation, in accordance with guidelines developed by the board.

(5) An application must be approved by the political subdivision and supported by the local associate development organization or local workforce development council or approved by the governing body of the federally recognized Indian tribe.

(6) The board may allow de minimis general system improvements to be funded if they are critically linked to the viability of the project.

(7) An application must demonstrate convincing evidence that the median hourly wage of the private sector jobs created after the project is completed will exceed the countywide median hourly wage.

(8) The board shall prioritize each proposed project according to:

(a) The relative benefits provided to the community by the jobs the project would create, not just the total number of jobs it would create after the project is completed ((~~and according~~)), but also giving consideration to the unemployment rate in the area in which the jobs would be located;

(b) The rate of return of the state's investment, ((~~that includes the~~)) including, but not limited to, the leveraging of private sector investment, anticipated job creation and retention, and expected increases in state and local tax revenues associated with the project; ((~~and~~))

(c) Whether the proposed project offers a health insurance plan for employees that includes an option for dependents of employees;

(d) Whether the public facility investment will increase existing capacity necessary to accommodate projected population and employment growth in a manner that supports infill and redevelopment of existing urban or industrial areas that are served by

adequate public facilities. Projects should maximize the use of existing infrastructure and provide for adequate funding of necessary transportation improvements; and

(e) Whether the applicant has developed and adhered to guidelines regarding its permitting process for those applying for development permits consistent with section 1(2), chapter 231, Laws of 2007.

(((~~(4)~~))) (9) A responsible official of the political subdivision or the federally recognized Indian tribe shall be present during board deliberations and provide information that the board requests.

Before any financial assistance application is approved, the political subdivision or the federally recognized Indian tribe seeking the assistance must demonstrate to the community economic revitalization board that no other timely source of funding is available to it at costs reasonably similar to financing available from the community economic revitalization board.

Sec. 6. RCW 43.160.070 and 1999 c 164 s 104 are each amended to read as follows:

Public facilities financial assistance, when authorized by the board, is subject to the following conditions:

(1) The moneys in the public facilities construction loan revolving account ((~~and the distressed county public facilities construction loan account~~)) shall be used solely to fulfill commitments arising from financial assistance authorized in this chapter ((~~or, during the 1989-91 fiscal biennium, for economic development purposes as appropriated by the legislature~~)). The total outstanding amount which the board shall dispense at any time pursuant to this section shall not exceed the moneys available from the account((~~s~~)). ((~~The total amount of outstanding financial assistance in Pierce, King, and Snohomish counties shall never exceed sixty percent of the total amount of outstanding financial assistance disbursed by the board under this chapter without reference to financial assistance provided under RCW 43.160.220.~~))

(2) On contracts made for public facilities loans the board shall determine the interest rate which loans shall bear. The interest rate shall not exceed ten percent per annum. The board may provide reasonable terms and conditions for repayment for loans, including partial forgiveness of loan principal and interest payments on projects located in rural communities as defined by the board, or rural counties ((~~or rural natural resources impact areas, as the board determines~~)). The loans shall not exceed twenty years in duration.

(3) Repayments of loans made from the public facilities construction loan revolving account under the contracts for public facilities construction loans shall be paid into the public facilities construction loan revolving account. ((~~Repayments of loans made from the distressed county public facilities construction loan account under the contracts for public facilities construction loans shall be paid into the distressed county public facilities construction loan account.~~)) Repayments of loans from moneys from the new appropriation from the public works assistance account for the fiscal biennium ending June 30, 1999, shall be paid into the public works assistance account.

(4) When every feasible effort has been made to provide loans and loans are not possible, the board may provide grants upon finding that unique circumstances exist.

Sec. 7. RCW 43.160.074 and 1985 c 433 s 5 are each amended to read as follows:

(1) An application to the board from a political subdivision may also include a request for improvements to an existing state highway or highways. The application is subject to all of the applicable criteria relative to qualifying types of development set forth in this chapter, as well as procedures and criteria established by the board.

(2) Before board consideration of an application from a political subdivision that includes a request for improvements to an existing state highway or highways, the application shall be forwarded by the board to the department of transportation ((~~commission~~)).

(3) The board may not make its final determination on any application made under subsection (1) of this section before receiving approval, as submitted or amended or disapproval from the department of transportation ((~~commission~~)) as specified in RCW 47.01.280. Notwithstanding its disposition of the remainder of any such application, the board may not approve a request for improvements to an existing state highway or highways without the approval as submitted or amended of the department of transportation ((~~commission~~)) as specified in RCW 47.01.280.

(4) The board shall notify the department of transportation ((~~commission~~)) of its decision regarding any application made under this section.

Sec. 8. RCW 43.160.076 and 1999 c 164 s 105 are each reenacted and amended to read as follows:

(1) Except as authorized to the contrary under subsection (2) of this section, from all funds available to the board for financial assistance in a biennium under this chapter ((~~without reference to financial assistance provided under RCW 43.160.220~~)), the board shall ((~~spend~~)) approve at least seventy-five percent of the first twenty million dollars of funds available and at least fifty percent of any additional funds for financial assistance for projects in rural counties ((~~or rural natural resources impact areas~~)).

(2) If at any time during the last six months of a biennium the board finds that the actual and anticipated applications for qualified projects in rural counties ((~~or rural natural resources impact areas~~)) are clearly insufficient to use up the ((~~seventy-five percent~~)) allocations under subsection (1) of this section, then the board shall estimate the amount of the insufficiency and during the remainder of the biennium may use that amount of the allocation for financial assistance to projects not located in rural counties ((~~or rural natural resources impact areas~~)).

Sec. 9. RCW 43.160.900 and 1993 c 320 s 8 are each amended to read as follows:

(1) The community economic revitalization board shall ((~~report to the appropriate standing committees of the legislature biennially on the implementation of~~)) conduct biennial outcome-based evaluations of the financial assistance provided under this chapter. The ((~~report~~)) evaluations shall include information on the number of applications for community economic revitalization board assistance((~~,~~)); the number and types of projects approved((~~,~~)); the grant or loan amount awarded each project((~~,~~)); the projected number of jobs created or retained by each project((~~,~~)); the actual number and cost of jobs created or retained by each project((~~,~~)); the wages and health benefits associated with the jobs; the amount of state funds and total capital invested in projects; the number and types of businesses assisted by funded projects; the location of funded projects; the transportation infrastructure available for completed projects; the local match and local participation obtained; the number of delinquent loans((~~,~~)); and the number of project terminations. The ((~~report~~)) evaluations may also include additional performance measures and recommendations for programmatic changes. ((~~The first report shall be submitted by December 1, 1994.~~))

(2)(a) By September 1st of each even-numbered year, the board shall forward its draft evaluation to the Washington state economic

development commission for review and comment, as required in section 10 of this act. The board shall provide any additional information as may be requested by the commission for the purpose of its review.

(b) Any written comments or recommendations provided by the commission as a result of its review shall be included in the board's completed evaluation. The evaluation must be presented to the governor and appropriate committees of the legislature by December 31st of each even-numbered year. The initial evaluation must be submitted by December 31, 2010.

NEW SECTION. **Sec. 10.** A new section is added to chapter 43.162 RCW to read as follows:

The Washington state economic development commission shall review and provide written comments and recommendations for inclusion in the biennial evaluation conducted by the community economic revitalization board under RCW 43.160.900.

Sec. 11. RCW 43.160.080 and 1998 c 321 s 30 are each amended to read as follows:

There shall be a fund in the state treasury known as the public facilities construction loan revolving account, which shall consist of all moneys collected under this chapter((~~, except moneys of the board collected in connection with the issuance of industrial development revenue bonds and moneys deposited in the distressed county public facilities construction loan account under RCW 43.160.220,~~)) and any moneys appropriated to it by law((~~: PROVIDED, That seventy-five percent of all principal and interest payments on loans made with the proceeds deposited in the account under section 901, chapter 57, Laws of 1983 1st ex. sess. shall be deposited in the general fund as reimbursement for debt service payments on the bonds authorized in RCW 43.83.184~~)). Disbursements from the revolving account shall be on authorization of the board. In order to maintain an effective expenditure and revenue control, the public facilities construction loan revolving account shall be subject in all respects to chapter 43.88 RCW.

Sec. 12. 2005 c 425 s 6 (uncodified) is amended to read as follows:

This act expires June 30, ((~~2011~~)) 2009.

Sec. 13. 2006 c 371 s 238 (uncodified) is amended to read as follows:

(1) Section 229 of this act expires June 30, ((~~2011~~)) 2009.

(2) Section 231 of this act expires June 30, 2007.

NEW SECTION. **Sec. 14.** The following acts or parts of acts are each repealed:

(3) RCW 43.160.100 (Status of board) and 1984 c 257 s 3;

(4) RCW 43.160.120 (Commingling of funds prohibited) and 1984 c 257 s 5;

(5) RCW 43.160.130 (Personal liability) and 1984 c 257 s 6;

(6) RCW 43.160.140 (Accounts) and 1987 c 422 s 8 & 1984 c 257 s 7;

(7) RCW 43.160.150 (Faith and credit not pledged) and 1984 c 257 s 8;

(8) RCW 43.160.160 (Security) and 1984 c 257 s 9;

(9) RCW 43.160.170 (Special reserve account) and 1984 c 257 s 10;

(10) RCW 43.160.200 (Economic development account--Eligibility for assistance) and 2004 c 252 s 4, 1999 c 164 s 107, 1996 c 51 s 9, & 1995 c 226 s 16;

(11) RCW 43.160.210 (Distressed counties--Twenty percent of financial assistance) and 1998 c 321 s 31 & 1998 c 55 s 5; and

(12) RCW 43.160.220 (Distressed county public facilities construction loan account) and 1998 c 321 s 9.

NEW SECTION. **Sec. 15.** Sections 1, 2, 4 through 11, and 14 of this act take effect July 1, 2009.

NEW SECTION. **Sec. 16.** Section 3 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Kenney, Chair; Pettigrew, Vice Chair; Chase; Darneille; Rolfes and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Bailey, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; and Haler.

Referred to Committee on Capital Budget.

February 28, 2008

ESB 6868 Prime Sponsor, Senator Brown: Protecting sole source aquifers by providing sewer utility service to mobile home parks. Reported by Select Committee on Environmental Health

MAJORITY recommendation: Do pass as amended.

On page 2, line 3, after "(3)" insert "(a)"

On page 2, line 8, before "The" strike "(a)" and insert "(i)"

On page 2, line 10, before "The" strike "(b)" and insert "(ii)"

On page 2, line 12, before "Replacement" strike "(c)" and insert "(iii)"

On page 2, line 15, before "The" strike "(d)" and insert "(iv)"

On page 2, after line 18, insert the following:

"(b) The cost of connecting a mobile home park to a sewer system may not be passed on to the tenants of the mobile home park."

Signed by Representatives Campbell, Chair; Hudgins, Vice Chair; Chase; Hunt; Morrell and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Sump, Ranking Minority Member; and Newhouse.

Passed to Committee on Rules for second reading.

February 28, 2008

SB 6892 Prime Sponsor, Senator Fraser: Concerning the time limits of school impact fee expenditures. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Takko, Vice Chair; Eddy and Nelson.

MINORITY recommendation: Do not pass. Signed by Representatives Warnick, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; and Schmick.

Passed to Committee on Rules for second reading.

February 28, 2008

SSB 6933 Prime Sponsor, Senate Committee on Judiciary: Changing rules concerning admissibility of evidence in sex offense cases. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

On page 2, line 33, after "conviction;" strike "and"

On page 2, line 34, after "(g)" insert "Whether the probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence; and
(h)"

On page 2, beginning on line 35, after "**Sec. 3.**" strike all material through "(2)" on page 3, line 1

Signed by Representatives Lantz, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern; Kirby; Moeller; Pedersen; Ross and Williams.

MINORITY recommendation: Do not pass. Signed by Representative Flannigan.

Passed to Committee on Rules for second reading.

February 28, 2008

SB 6950 Prime Sponsor, Senator Brown: Providing a limited waiver or suspension of statutory obligations during officially declared emergencies. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Chandler, Ranking Minority Member; Kretz; Liias; Miloscia and Ormsby.

Passed to Committee on Rules for second reading.

February 27, 2008

SJM 8028 Prime Sponsor, Senator Shin: Requesting that the President and Congress support the participation of Taiwan in the World Health Organization. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Morrell, Vice Chair; Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Barlow; Campbell; Condotta; Green; Moeller; Pedersen and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representative Seaquist.

Passed to Committee on Rules for second reading.

There being no objection, the bills and memorial listed on the day's committee reports and first supplemental committee reports sheets under the fifth order of business were referred to the committees so designated with the exception of SUBSTITUTE SENATE BILL NO. 6241.

MOTION

Representative Alexander moved that SENATE BILL NO. 6241 be referred to the Committee on Appropriations.

Representative Alexander spoke in favor of the adoption of the motion.

Representative Kessler spoke against the adoption of the motion.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of the motion to refer Substitute Senate Bill No. 6241 to the Committee on Appropriations.

ROLL CALL

The Clerk called the roll on the adoption of the motion to refer Substitute Senate Bill No. 6241 to the Committee on Appropriations, and the motion was not adopted by the following vote: Yeas - 31, Nays - 62, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Bailey, Campbell, Chandler, Condotta, Crouse, DeBolt, Dunn, Ericksen, Haler, Hankins, Herrera, Hinkle, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Rodne, Ross, Schindler, Schmick, Skinner, Smith, Sump and Warnick - 31.

Voting nay: Representatives Appleton, Barlow, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Liias, Linville, Loomis, McCoy, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 62.

Excused: Representatives Armstrong, Dickerson, Hailey, Roach and Walsh - 5.

SENATE BILL NO. 6241 was passed to Committee on Rules for second reading.

MESSAGE FROM THE SENATE

February 29, 2008

Mr. Speaker:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6111,
SENATE BILL NO. 6912,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

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

INTRODUCTION & FIRST READING

HB 3379 By Representative Ericksen

AN ACT Relating to reducing the authority of the state board of health with regard to inspection intervals and operation and maintenance requirements of small on-site sewage systems.

Referred to Committee on Environmental Health.

FIRST SUPPLEMENTAL INTRODUCTION & FIRST READING

HB 3380 by Representative Hunter

AN ACT Relating to financing options for housing and arts, heritage, cultural, and community development programs.

Referred to Committee on Finance.

HB 3381 by Representative Sommers

AN ACT Relating to fees to implement programs that protect and improve Washington's health, safety, education, employees, and consumers.

Referred to Committee on Appropriations.

HB 3382 by Representative Santos

Relating to funding options for housing, community, and cultural development.

Referred to Committee on Finance.

E2SSB 6111 by Senate Committee on Ways & Means (originally sponsored by Senators Hobbs, Poulsen, Jacobsen and Tom)

AN ACT Relating to generating electricity from tidal and wave energy; adding a new section to chapter 43.31 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.16 RCW; and providing expiration dates.

Referred to Committee on Finance.

SB 6375 by Senators Hatfield, Schoesler, Carrell, Holmquist, Parlette and Rasmussen

AN ACT Relating to providing a sales tax exemption for trail grooming on private and state-owned land; and adding a new section to chapter 82.08 RCW.

Referred to Committee on Finance.

SSB 6423 by Senate Committee on Ways & Means (originally sponsored by Senators Brown, Hewitt, Kohl-Welles and McAuliffe)

AN ACT Relating to strengthening the tax credit and modifying the governing board of a Washington motion picture competitiveness program; and amending RCW 43.365.020, 43.365.030, and 82.04.4489.

Referred to Committee on Finance.

SB 6450 by Senators Tom, McAuliffe, Jacobsen, Kauffman, Kilmer, McDermott and Rasmussen

AN ACT Relating to costs of school district and educational service district performance audits; and amending RCW 43.09.470.

Referred to Committee on Appropriations.

2SSB 6468 by Senate Committee on Ways & Means (originally sponsored by Senators King, Rasmussen, Roach, Hobbs, Honeyford, Hewitt and Sheldon)

AN ACT Relating to the taxation of honey beekeepers; amending RCW 82.04.330, 82.08.865, and 82.12.865; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Finance.

2SSB 6626 by Senate Committee on Ways & Means (originally sponsored by Senators Kilmer, Kastama, Rasmussen, Regala, Franklin, Marr, Carrell and Shin)

AN ACT Relating to creating a sales and use tax deferral program for eligible investment projects in community empowerment zones; amending RCW 82.63.030; reenacting and amending RCW 82.32.590 and 82.32.600; adding a new chapter to Title 82 RCW; and providing an effective date.

Referred to Committee on Finance.

SSB 6828 by Senate Committee on Ways & Means (originally sponsored by Senators Marr, Prentice, Zarelli, Schoesler, Hobbs, Kilmer, Shin and Rasmussen)

AN ACT Relating to the excise taxation of the aerospace industry; amending RCW 82.08.975, 82.12.975, 82.04.250, 82.04.290, 82.04.4461, 82.04.4463, 82.04.44525, 82.32.545, 82.32.330, and 82.32.550; reenacting and amending RCW 82.04.260, 82.32.590, and 82.32.600; adding a new section to chapter 82.04 RCW; creating new sections; repealing RCW 82.04.4487, 82.08.981, 82.12.981, 82.32.635, and 82.32.640; providing an effective date; and providing an expiration date.

Referred to Committee on Finance.

SB 6912 by Senators Haugen, Swecker, Berkey, McAuliffe, Marr, Kilmer, Rasmussen, Hargrove and Fraser

AN ACT Relating to increasing property tax relief for senior citizens and persons retired by reason of physical disability to qualify for property tax relief; amending RCW 84.36.381 and 84.38.030; and creating a new section.

Referred to Committee on Finance.

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

SECOND SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 27, 2008

ESSB 5179 Prime Sponsor, Senate Committee on Transportation: Modifying snowmobile registration provisions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Flannigan, Vice Chair; Ericksen, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Appleton; Campbell; Eddy; Herrera; Hudgins; Jarrett; Kristiansen; Loomis; Rodne; Rolfes; Sells; Simpson; Smith; Springer; Takko; Upthegrove; Wallace; Warnick; Williams and Wood.

Passed to Committee on Rules for second reading.

February 27, 2008

SSB 6224 Prime Sponsor, Senate Committee on Ways & Means: Modifying the interest accrual methodology for vendor overpayments. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chair; Dunshee, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Haler, Assistant Ranking Minority Member; Anderson; Chandler; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Green; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McIntire; Morrell; Pettigrew; Priest; Ross; Schmick; Schual-Berke; Seaquist; Sullivan and Walsh.

Passed to Committee on Rules for second reading.

February 29, 2008

SSB 6340 Prime Sponsor, Senate Committee on Water, Energy & Telecommunications: Providing for a water system acquisition and rehabilitation program. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Fromhold, Chair; Ormsby, Vice Chair; Schual-Berke, Vice Chair; McDonald, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Appleton; Blake; Chase; Eickmeyer; Flannigan; Hankins; Hasegawa; Kelley; McCune; Orcutt; Pearson; Pedersen; Sells; Skinner and Smith.

Passed to Committee on Rules for second reading.

February 29, 2008

ESSB 6580 Prime Sponsor, Senate Committee on Government Operations & Elections: Addressing the impacts of climate change through the

growth management act. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature recognizes that the implications of a changed climate will affect the people, institutions, and economies of Washington. The legislature also recognizes that it is in the public interest to reduce the state's dependence upon foreign sources of carbon fuels that do not promote energy independence or the economic strength of the state. The legislature finds that the state, including its counties, cities, and residents, must engage in activities that reduce greenhouse gas emissions and dependence upon foreign oil.

(2) The legislature further recognizes that: (a) Patterns of land use development influence transportation-related greenhouse gas emissions and the need for foreign oil; (b) fossil fuel-based transportation is the largest source of greenhouse gas emissions in Washington; and (c) the state and its residents will not achieve emission reductions established in RCW 80.80.020 without a significant decrease in transportation emissions.

(3) The legislature, therefore, finds that it is in the public interest of the state to provide appropriate legal authority, where required, and to aid in the development of policies, practices, and methodologies that may assist counties and cities in addressing challenges associated with greenhouse gas emissions and our state's dependence upon foreign oil.

NEW SECTION. **Sec. 2.** A new section is added to chapter 36.70A RCW to read as follows:

(1) The department must develop and provide to counties and cities a range of advisory climate change response methodologies, a computer modeling program, and estimates of greenhouse gas emission reductions resulting from specific measures. The advisory methodologies, computer modeling program, and estimates must reflect regional and local variations and the diversity of counties and cities planning under RCW 36.70A.040. Advisory methodologies, the computer modeling program, estimates, and guidance developed under this section must be consistent with recommendations developed by the advisory policy committee established in section 4 of this act.

(2) The department, in complying with this section, must work with the department of transportation on reductions of vehicle miles traveled through efforts associated with, and independent of, the process directed by RCW 47.01.--- (section 8, chapter . . . (E2SHB 2815)), Laws of 2008.

(3) The department must complete and make available the advisory climate change response methodologies, computer program, and estimates required by this section by December 1, 2009. The advisory climate change response methodologies, computer program, and estimates must be updated two years before each completion date established in RCW 36.70A.130(4)(a).

(4) If specific funding for the purposes of this section, referencing this act by bill or chapter number and section number, is not provided by June 30, 2008, in the omnibus appropriations act, this section is null and void.

(5) This section expires January 1, 2011.

NEW SECTION. **Sec. 3.** (1) A local government global warming mitigation and adaptation program is established. The program must be administered by the department of community, trade, and economic development and must conclude by June 30, 2010. The department must, through a competitive process, select three or fewer counties and six cities for the program. Counties selected must reflect a range of opportunities to address climate change in urbanizing, resource, or agricultural areas. Cities selected must reflect a range of sizes, geographic locations, and variations between those that are highly urbanized and those that are less so that have more residential dwellings than employment positions.

(2) The program is established to assist the selected counties and cities that: (a) Are addressing climate change through their land use and transportation planning processes; and (b) aspire to address climate change through their land use and transportation planning processes, but lack necessary resources to do so. The department of community, trade, and economic development may fund proposals to inventory and mitigate global warming emissions, or adapt to the adverse impacts of global warming, using criteria it develops to accomplish the objectives of this section and sections 2 and 4 of this act.

(3) The department of community, trade, and economic development must provide grants and technical assistance to aid the selected counties and cities in their efforts to anticipate, mitigate, and adapt to global warming and its associated problems. The department, in providing grants and technical assistance, must ensure that grants and assistance are awarded to counties and cities meeting the criteria established in subsection (2)(a) and (b) of this section.

(4) The department of community, trade, and economic development must provide a report of program findings and recommendations to the governor and the appropriate committees of the house of representatives and the senate by January 1, 2011.

(5) If specific funding for the purposes of this section, referencing this act by bill or chapter number and section number, is not provided by June 30, 2008, in the omnibus appropriations act, this section is null and void.

(6) This section expires January 1, 2011.

NEW SECTION. **Sec. 4.** (1)(a) With the use of funds provided by specific appropriation, the department must prepare a report that includes:

(i) Descriptions of actions counties and cities are taking to address climate change issues. The department must use readily available information when completing the requirements of this subsection (1)(a)(i);

(ii) Recommendations of changes, if any, to chapter 36.70A RCW and other relevant statutes that would enable state and local governments to address climate change issues and the need to reduce dependence upon foreign oil through land use and transportation planning processes;

(iii) Descriptions of existing and potential computer modeling and other analytic and assessment tools that could be used by counties and cities in addressing their proprietary and regulatory activities to reduce greenhouse gas emissions and/or dependence upon foreign oil;

(iv) Assessments of state and local resources, financial and otherwise, needed to fully implement recommendations resulting from and associated with (a)(ii) and (iii) of this subsection; and

(v) Recommendations for additional funding to implement the recommendations resulting from (a)(ii) of this subsection.

(b) The department must submit the report required by this section to the governor and the appropriate committees of the house of representatives and the senate by December 1, 2008.

(2)(a) In preparing the report required by this section, the department must convene, and receive majority approval of report recommendations from, an advisory policy committee, with members as provided in this subsection.

(i) The speaker of the house of representatives must appoint one member from each of the two largest caucuses of the house of representatives.

(ii) The president of the senate must appoint one member from each of the two largest caucuses of the senate.

(iii) Three members representing counties and five members representing cities. Members appointed under this subsection (2)(a)(iii) must represent each of the jurisdictional areas of growth management hearings boards and must be appointed by state associations representing counties and cities.

(iv) One member representing tribal governments, appointed by the governor.

(b) The advisory policy committee must have the following nonvoting ex officio members:

(i) One member representing the office of the governor;

(ii) One member representing an association of builders;

(iii) One member representing an association of real estate professionals;

(iv) One member representing an association of local government planners;

(v) One member representing an association of agricultural interests;

(vi) One member representing a nonprofit entity with experience in growth management and land use planning issues;

(vii) One member representing a statewide business association;

(viii) One member representing a nonprofit entity with experience in climate change issues;

(ix) One member representing a nonprofit entity with experience in mobility and transportation issues;

(x) One member representing an association of office and industrial properties; and

(xi) One member representing an association of architects.

(c)(i) The department, in preparing the report and presenting information and recommendations to the advisory policy committee, must convene a technical support team, with members as provided in this subsection.

(A) The department of ecology must appoint one member representing the department of ecology.

(B) The department must appoint one member representing the department.

(C) The department of transportation must appoint one member representing the department of transportation.

(ii) The department, in complying with this subsection (2)(c), must consult with the professional staffs of counties and cities or their state associations, and regional transportation planning organizations and must solicit assistance from these staffs in developing materials and options for consideration by the advisory policy committee.

(3) Nominations for organizations represented in subsection (2) of this section must be submitted to the department by April 15, 2008.

(4) For purposes of this section, "department" means the department of community, trade, and economic development.

(5) This section expires December 31, 2008.

Sec. 5. RCW 36.70A.280 and 2003 c 332 s 2 are each amended to read as follows:

(1) A growth management hearings board shall hear and determine only those petitions alleging either:

(a) That, except as provided otherwise by this subsection, a state agency, county, or city planning under this chapter is not in compliance with the requirements of this chapter, chapter 90.58 RCW as it relates to the adoption of shoreline master programs or amendments thereto, or chapter 43.21C RCW as it relates to plans, development regulations, or amendments, adopted under RCW 36.70A.040 or chapter 90.58 RCW. Nothing in this subsection authorizes a board to hear petitions alleging noncompliance with section 3 of this act; or

(b) That the twenty-year growth management planning population projections adopted by the office of financial management pursuant to RCW 43.62.035 should be adjusted.

(2) A petition may be filed only by: (a) The state, or a county or city that plans under this chapter; (b) a person who has participated orally or in writing before the county or city regarding the matter on which a review is being requested; (c) a person who is certified by the governor within sixty days of filing the request with the board; or (d) a person qualified pursuant to RCW 34.05.530.

(3) For purposes of this section "person" means any individual, partnership, corporation, association, state agency, governmental subdivision or unit thereof, or public or private organization or entity of any character.

(4) To establish participation standing under subsection (2)(b) of this section, a person must show that his or her participation before the county or city was reasonably related to the person's issue as presented to the board.

(5) When considering a possible adjustment to a growth management planning population projection prepared by the office of financial management, a board shall consider the implications of any such adjustment to the population forecast for the entire state.

The rationale for any adjustment that is adopted by a board must be documented and filed with the office of financial management within ten working days after adoption.

If adjusted by a board, a county growth management planning population projection shall only be used for the planning purposes set forth in this chapter and shall be known as a "board adjusted population projection". None of these changes shall affect the official state and county population forecasts prepared by the office of financial management, which shall continue to be used for state budget and planning purposes.

NEW SECTION. **Sec. 6.** This act is not intended to amend or affect chapter 353, Laws of 2007.

NEW SECTION. **Sec. 7.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Simpson, Chair; Takko, Vice Chair; Eddy and Nelson.

MINORITY recommendation: Do not pass. Signed by Representatives Warnick, Ranking Minority Member; and Schmick.

Referred to Committee on Appropriations.

February 28, 2008

SSB 6857 Prime Sponsor, Senate Committee on Transportation: Designating a select portion of state route number 97 as a heavy haul industrial corridor. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Flannigan, Vice Chair; Ericksen, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Appleton; Dickerson; Eddy; Herrera; Hudgins; Jarrett; Kristiansen; Loomis; Rodne; Rolfes; Sells; Simpson; Smith; Springer; Takko; Upthegrove; Wallace; Warnick; Williams and Wood.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's second supplemental committee reports sheet under the fifth order of business were referred to the committees so designated.

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

There being no objection, the Committee on Rules was relieved of further consideration of the following bills, and the bills were placed on the Second Reading calendar:

SUBSTITUTE SENATE BILL NO. 5651,
SENATE BILL NO. 5868,
SENATE BILL NO. 5878,
SUBSTITUTE SENATE BILL NO. 6184,
SENATE BILL NO. 6215,
SUBSTITUTE SENATE BILL NO. 6244,
SENATE BILL NO. 6261,
SENATE BILL NO. 6271,
SUBSTITUTE SENATE BILL NO. 6309,
SUBSTITUTE SENATE BILL NO. 6322,
SUBSTITUTE SENATE BILL NO. 6324,
SUBSTITUTE SENATE BILL NO. 6339,
ENGROSSED SENATE BILL NO. 6357,
SUBSTITUTE SENATE BILL NO. 6439,
SUBSTITUTE SENATE BILL NO. 6500,
SENATE BILL NO. 6504,
SUBSTITUTE SENATE BILL NO. 6544,
ENGROSSED SENATE BILL NO. 6591,
SENATE BILL NO. 6685,
SENATE BILL NO. 6739,
SUBSTITUTE SENATE BILL NO. 6751,
SENATE BILL NO. 6753,
SUBSTITUTE SENATE BILL NO. 6770,
SENATE BILL NO. 6837,
SENATE BILL NO. 6839,
SENATE BILL NO. 6941,

There being no objection, the Committee on Rules was relieved of further consideration of the following bills, and the bills were placed on the Second Reading Suspension calendar:

SUBSTITUTE SENATE BILL NO. 5524,
SUBSTITUTE SENATE BILL NO. 5929,
SUBSTITUTE SENATE BILL NO. 6060,
SENATE BILL NO. 6283,
SENATE BILL NO. 6284,
SENATE BILL NO. 6464,
SENATE BILL NO. 6465,
SUBSTITUTE SENATE BILL NO. 6604,

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

There being no objection, the House adjourned until 9:55 a.m., March 3, 2008, the 50th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk