ONE HUNDRED THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, April 22, 2011

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Delvin, Parlette and Pflug.

The Sergeant at Arms Color Guard consisting of Pages Marcrey Kallstrom and Quynh Tran, presented the Colors. Diana Wakefield of Westwood Baptist Church offered the prayer.

MOTION

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

MOTION

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

MESSAGE FROM THE HOUSE

April 21, 2011

MR. PRESIDENT:
The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

ENGROSSED SUBSTITUTE HOUSE BILL 1026,
SUBSTITUTE HOUSE BILL 1053,
HOUSE BILL 1229,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1267,
ENGROSSED SUBSTITUTE HOUSE BILL 1547,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1599,
ENGROSSED SUBSTITUTE HOUSE BILL 1725,
SUBSTITUTE HOUSE BILL 1874.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 21, 2011

MR. PRESIDENT:
The House has passed:

SUBSTITUTE HOUSE BILL 2021.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 2021 by House Committee on Ways & Means (originally sponsored by Representatives Pettigrew, Darneille, Seaquist, Carlyle, Hunter and Cody)

AN ACT Relating to annual increase amounts in the public employees' retirement system plan 1 and the teachers' retirement system plan 1; amending RCW 41.32.483, 41.32.489, 41.32.4851, 41.40.183, 41.40.197, 41.40.1984, and 41.45.150; creating a new section; declaring an emergency; and providing an effective date.

MOTION

On motion of Senator Eide, and without objection, Substitute House Bill No. 2021 was placed on the second reading calendar under suspension of the rules.

MOTION

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

MOTION

Senator Holmquist Newbry moved adoption of the following resolution:

SENATE RESOLUTION
8660

By Senators Delvin, Morton, Holmquist Newbry, Eide, King, Kohl-Welles, Brown, Schoesler, Haugen, and Hargrove

WHEREAS, Sheridan McDonald, a senior at Kiona-Benton High School, on February 19th 2011, won the state girls' wrestling championship in the annual Mat Classic; and

WHEREAS, Her 2011 state championship marks Sheridan McDonald's fourth straight girls' wrestling state championship, making her the first young woman to achieve this feat in the history of Washington state women's high school athletics; and

WHEREAS, Over the course of her high school career, Sheridan McDonald amassed a 90-33 win-loss record against both boys and girls, serving as a team captain of the Kiona-Benton Boys' Wrestling Team and winning a critical match in 2011 to lift her team to their league wrestling championship; and

WHEREAS, Sheridan McDonald's leadership, hard work, and tenacity have made her an inspiration to her teammates as well as to other young women throughout her high school athletic career, helping to raise the popularity of her sport among young women around the state; and

WHEREAS, Kiona-Benton City Wrestling Coach Ben Hill, has coached Sheridan since she was a freshman. "We have always challenged her and she always rose to the occasion. After her freshman season ended in a championship we told her that you have the bulls eye on your back. We told her to get in the weight room and she hit them hard"; and

WHEREAS, Both weight coaches in Benton City said, "We would love a room full of Sheridans. Her work ethic is out of this world. Sheridan was someone who would work her tail off and will be successful in whatever her field of endeavor"; and

WHEREAS, Sheridan McDonald has chosen to follow in her grandfather's footsteps by serving her country in the United States

Marine Corps and hopes to wrestle competitively for the United States Marine Corps;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby commend Sheridan McDonald for her outstanding accomplishments as the first four-time girls' wrestling state champion in the state of Washington; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Sheridan McDonald and to Kiona-Benton High School.

Senators Holmquist Newbry, Eide, Hargrove, Haugen and Kohl-Welles spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8660.

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

INTRODUCTION OF SPECIAL GUESTS

The President introduced Miss Sheridan McDonald who was seated at the rostrum.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Brian McDonald father; Marvin & Sandy McDonald grandparents; Tony & Sandy Finley grandparents; Harold Studholme great grandfather; and Kayleah Terral friend who were seated in the gallery.

MOTION

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

MESSAGE FROM THE HOUSE

April 21, 2011

MR. PRESIDENT:
The House has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5457 and has passed the bill as recommended by the Conference Committee.
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

REPORT OF THE CONFERENCE COMMITTEE
Engrossed Substitute Senate Bill No. 5457
April 20, 2011

MR. PRESIDENT:
MR. SPEAKER:

We of your conference committee, to whom was referred Engrossed Substitute Senate Bill No. 5457, have had the same under consideration and recommend that all previous amendments not be adopted and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature recognizes that public transportation provides many benefits to the citizens of the state and the environment, including through public transportation's ability to alleviate congestion and offset the burdens placed by general vehicular traffic on the state's transportation infrastructure. In these challenging economic times, many transit agencies find themselves struggling to continue to provide a level of service that reduces congestion.

The legislature further recognizes that King county conducted a regional transit task force in 2010 that considered a policy framework for the potential future growth and, if necessary, contraction of King county's transit system. The task force members were selected to represent a broad diversity of interests and perspectives. The task force recommendations, which were unanimously accepted, addressed key elements, such as the adoption of performance measures, controlling operating costs, developing policy guidance for making service reductions, and clear and transparent guidelines for service allocation. As a result of the work done by the task force and King county's commitment to comply with the recommendations, it is the intent of the legislature that King county be provided the opportunity to impose a temporary congestion reduction charge, which is separate and distinct from the base motor vehicle license fee, that can help address its revenue shortfalls during this economic crisis and allow it to continue reducing congestion and the corresponding burdens placed on the highway system on some of the state's most crowded corridors.

The legislature recognizes that the title of Initiative Measure No. 1053 states that it applies only to tax and fee increases imposed by state government, and that the text of the initiative requires a two-thirds majority only for tax increases. The legislature further recognizes that Initiative Measure No. 1053 does not apply to local government. Despite these facts, this act requires a two-thirds majority of the metropolitan King county council in order to implement a local option fee, in the form of a congestion reduction charge, to help fund King county metro transit service. Faced with the potential loss of hundreds of thousands of hours of vital transit service, it is the intent of the legislature to provide King county with this temporary local option funding mechanism. It is further the intent of the legislature not to expand the parameters of Initiative Measure No. 1053 beyond what the voters intended and thus interfere with local control or limit the ability of local governments to provide services to the people of Washington.

NEW SECTION. **Sec. 2.** A new section is added to chapter 82.80 RCW to read as follows:

(1)(a) Except as provided in subsection (2) of this section, the governing body of a county that has assumed the rights, powers, functions, and obligations of a metropolitan municipal corporation under chapter 36.56 RCW and is operating a public transportation system may impose, if approved by a majority of the voters within that county or a two-thirds majority of the governing body, an annual congestion reduction charge of up to twenty dollars per vehicle registered in the boundaries of the county for each vehicle subject to vehicle license fees under RCW 46.17.350(1) (a), (c), (d), (e), (g), (h), (j), (n), (o), (p), or (q) and for each vehicle subject to gross weight license fees under RCW 46.17.355 with an unladen weight of six thousand pounds or less.

(b) Prior to the imposition of a congestion reduction charge authorized under (a) of this subsection, a governing body must complete a congestion reduction plan indicating the proposed expenditures of the proceeds of the congestion reduction charge.

(c) If a governing body that imposes a congestion reduction charge authorized under (a) of this subsection completed a regional transit task force evaluating system improvements and efficiencies within two years prior to the imposition of the charge, the proceeds from the charge must be expended in a manner consistent with the recommendations of the regional transit task force.

(d) A governing body that imposes a congestion reduction charge authorized under (a) of this subsection must complete a report by July 1, 2012, detailing the expenditures of the proceeds of the congestion reduction charge through June 1, 2012.

(e) A governing body that imposes a congestion reduction charge authorized under (a) of this subsection must complete a

report by June 1, 2014, detailing the expenditures of the proceeds of the congestion reduction charge.

(2) The governing body of a county that has assumed the rights, powers, functions, and obligations of a metropolitan municipal corporation under chapter 36.56 RCW and is operating a public transportation system may not impose a congestion reduction charge authorized under subsection (1)(a) of this section for a passenger-only ferry transportation improvement, unless the charge is first approved by a majority of the voters within that county.

(3) The governing body of a county that has assumed the rights, powers, functions, and obligations of a metropolitan municipal corporation under chapter 36.56 RCW and is operating a public transportation system shall contract with the department of licensing as provided under section 3 of this act for the collection of the congestion reduction charge.

(4) A congestion reduction charge imposed under this section may not be assessed until six months after approval.

(5) A congestion reduction charge imposed under this section applies only for vehicle registration renewals and is effective upon the registration renewal date as provided by the department of licensing.

(6) The following vehicles are exempt from the congestion reduction charge imposed under this section:

(a) Farm tractors or farm vehicles as defined in RCW 46.04.180 and 46.04.181;

(b) Off-road vehicles as defined in RCW 46.04.365;

(c) Nonhighway vehicles as defined in RCW 46.09.310;

(d) Vehicles registered under chapter 46.87 RCW and the international registration plan; and

(e) Snowmobiles as defined in RCW 46.04.546.

(7) The authority to impose a congestion reduction charge authorized in subsection (1)(a) of this section expires with vehicle registrations that expire two years after the imposition of the charge or no later than June 30, 2014, whichever comes first.

(8) A congestion reduction charge authorized under subsection (1)(a) of this section may only be imposed after June 30, 2014, if approved by a majority of the voters within a county that has assumed the rights, powers, functions, and obligations of a metropolitan municipal corporation under chapter 36.56 RCW and is operating a public transportation system.

(9) This section expires December 31, 2014.

NEW SECTION. **Sec. 3.** A new section is added to chapter 46.68 RCW to read as follows:

Whenever the department enters into a contract with the governing body of a county that has assumed the rights, powers, functions, and obligations of a metropolitan municipal corporation under chapter 36.56 RCW and is operating a public transportation system for the collection of congestion reduction charges authorized under section 2 of this act:

(1) The contract must require that the governing body provide any information specified by the department to identify the vehicle owners who owe the congestion reduction charges, and must specify that it is the responsibility of the governing body to ensure that the congestion reduction charges are appropriately applied;

(2) The department is not responsible for the collection of congestion reduction charges until a date agreed to by both parties as specified in the contract;

(3) The department shall deduct a percentage amount as provided in the contract, not to exceed three percent of the charges collected, necessary to reimburse the department for the costs incurred for the collection of the congestion reduction charges; and

(4) The department shall remit remaining proceeds to the custody of the state treasurer. The state treasurer shall distribute the proceeds to the governing body on a monthly basis."

Correct the title.

And the bill do pass as recommended by the conference committee.

Signed by Senators Haugen, King and White; Representatives Armstrong, Clibborn and Liias.

MOTION

Senator White moved that the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 5457 be adopted.

Senator White spoke in favor of the motion.

MOTION

On motion of Senator White, Senators Baumgartner, Delvin, Parlette and Pflug were excused.

The President declared the question before the Senate to be the motion by Senator White that the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 5457 be adopted.

The motion by Senator White carried and the Report of the Conference Committee was adopted by voice vote.

Senators King and Sheldon spoke against passage of the bill.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5457, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5457, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 25; Nays, 21; Absent, 0; Excused, 3.

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

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

Excused: Senators Delvin, Parlette and Pflug

ENGROSSED SUBSTITUTE SENATE BILL NO. 5457, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Engrossed Substitute Senate Bill No. 5457 was immediately transmitted to the House of Representatives.

REPORT OF THE CONFERENCE COMMITTEE
Substitute House Bill No. 1793
April 20, 2011

MR. PRESIDENT:
MR. SPEAKER:

We of your conference committee, to whom was referred Substitute House Bill No. 1793, have had the same under

consideration and recommend that all previous amendments not be adopted and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

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

(1) One of the goals of the juvenile justice system is to rehabilitate juvenile offenders and promote their successful reintegration into society. Without opportunities to reintegrate, juveniles suffer increased recidivism and decreased economic function.

(2) The public has an interest in accessing information relating to juvenile records for public safety and research purposes.

(3) The public's legitimate interest in accessing personal information must be balanced with the rehabilitative goals of the juvenile justice system. All benefit when former juvenile offenders, after paying their debt to society, reintegrate and contribute to their local communities as productive citizens.

(4) It is the intent of the legislature to balance the rehabilitative and reintegration needs of an effective juvenile justice system with the public's need to access personal information for public safety and research purposes.

Sec. 2. RCW 19.182.040 and 1993 c 476 s 6 are each amended to read as follows:

(1) Except as authorized under subsection (2) of this section, no consumer reporting agency may make a consumer report containing any of the following items of information:

(a) Bankruptcies that, from date of adjudication of the most recent bankruptcy, antedate the report by more than ten years;

(b) Suits and judgments that, from date of entry, antedate the report by more than seven years or until the governing statute of limitations has expired, whichever is the longer period;

(c) Paid tax liens that, from date of payment, antedate the report by more than seven years;

(d) Accounts placed for collection or charged to profit and loss that antedate the report by more than seven years;

(e) Records of arrest, indictment, or conviction of an adult for a crime that, from date of disposition, release, or parole, antedate the report by more than seven years;

(f) Juvenile records, as defined in RCW 13.50.010(1)(c), when the subject of the records is twenty-one years of age or older at the time of the report; and

(g) Any other adverse item of information that antedates the report by more than seven years.

(2) Subsection (1)(a) through (e) and (g) of this section is not applicable in the case of a consumer report to be used in connection with:

(a) A credit transaction involving, or that may reasonably be expected to involve, a principal amount of fifty thousand dollars or more;

(b) The underwriting of life insurance involving, or that may reasonably be expected to involve, a face amount of fifty thousand dollars or more; or

(c) The employment of an individual at an annual salary that equals, or that may reasonably be expected to equal, twenty thousand dollars or more.

NEW SECTION. **Sec. 3.** (1)(a) A joint legislative task force on juvenile record sealing is established, with members as provided in this subsection.

(i) The president of the senate shall appoint two members from each of the two largest caucuses of the senate;

(ii) The speaker of the house of representatives shall appoint two members from each of the two largest caucuses of the house of representatives;

(iii) A representative of the administrative office of the courts;

(iv) A representative of the judicial information systems data dissemination committee;

(v) A representative of the association of counties, specifically county clerks;

(vi) A representative of the Washington association of prosecuting attorneys;

(vii) A representative of the Washington state patrol;

(viii) A representative from the juvenile law section of the Washington state bar association;

(ix) A representative of the Washington defenders' association;

(x) A representative of the juvenile rehabilitation administration within the department of social and health services; and

(xi) A representative of the juvenile court administrator's association.

(b) The task force shall choose one of the legislative members from the senate and one of the legislative members from the house of representatives to cochair the task force. The legislative members shall convene the first meeting of the task force.

(2) The task force shall determine how to cost-effectively restrict public access to juvenile records when an individual has met the statutory requirements of RCW 13.50.050(12) and without requiring individuals who are the subject of the records to file a motion to seal the records in juvenile court; whether and how to restrict access to diversion records; and other juvenile criminal record access issues that may arise during the work of the task force.

(3) Staff support for the task force must be provided by the senate committee services and the house of representatives office of program research.

(4) The task force shall report its findings and recommendations to the governor and the appropriate committees of the legislature by December 15, 2011.

(5) This section expires January 1, 2012.

Sec. 4. RCW 13.50.050 and 2010 c 150 s 2 are each amended to read as follows:

(1) This section governs records relating to the commission of juvenile offenses, including records relating to diversions.

(2) The official juvenile court file of any alleged or proven juvenile offender shall be open to public inspection, unless sealed pursuant to subsection (12) of this section.

(3) All records other than the official juvenile court file are confidential and may be released only as provided in this section, RCW 13.50.010, 13.40.215, and 4.24.550.

(4) Except as otherwise provided in this section and RCW 13.50.010, records retained or produced by any juvenile justice or care agency may be released to other participants in the juvenile justice or care system only when an investigation or case involving the juvenile in question is being pursued by the other participant or when that other participant is assigned the responsibility for supervising the juvenile.

(5) Except as provided in RCW 4.24.550, information not in an official juvenile court file concerning a juvenile or a juvenile's family may be released to the public only when that information could not reasonably be expected to identify the juvenile or the juvenile's family.

(6) Notwithstanding any other provision of this chapter, the release, to the juvenile or his or her attorney, of law enforcement and prosecuting attorneys' records pertaining to investigation, diversion, and prosecution of juvenile offenses shall be governed by the rules of discovery and other rules of law applicable in adult criminal investigations and prosecutions.

(7) Upon the decision to arrest or the arrest, law enforcement and prosecuting attorneys may cooperate with schools in releasing information to a school pertaining to the investigation, diversion, and prosecution of a juvenile attending the school. Upon the decision to arrest or the arrest, incident reports may be released unless releasing the records would jeopardize the investigation or

prosecution or endanger witnesses. If release of incident reports would jeopardize the investigation or prosecution or endanger witnesses, law enforcement and prosecuting attorneys may release information to the maximum extent possible to assist schools in protecting other students, staff, and school property.

(8) The juvenile court and the prosecutor may set up and maintain a central recordkeeping system which may receive information on all alleged juvenile offenders against whom a complaint has been filed pursuant to RCW 13.40.070 whether or not their cases are currently pending before the court. The central recordkeeping system may be computerized. If a complaint has been referred to a diversion unit, the diversion unit shall promptly report to the juvenile court or the prosecuting attorney when the juvenile has agreed to diversion. An offense shall not be reported as criminal history in any central recordkeeping system without notification by the diversion unit of the date on which the offender agreed to diversion.

(9) Upon request of the victim of a crime or the victim's immediate family, the identity of an alleged or proven juvenile offender alleged or found to have committed a crime against the victim and the identity of the alleged or proven juvenile offender's parent, guardian, or custodian and the circumstance of the alleged or proven crime shall be released to the victim of the crime or the victim's immediate family.

(10) Subject to the rules of discovery applicable in adult criminal prosecutions, the juvenile offense records of an adult criminal defendant or witness in an adult criminal proceeding shall be released upon request to prosecution and defense counsel after a charge has actually been filed. The juvenile offense records of any adult convicted of a crime and placed under the supervision of the adult corrections system shall be released upon request to the adult corrections system.

(11) In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and, subject to subsection (23) of this section, order the sealing of the official juvenile court file, the social file, and records of the court and of any other agency in the case.

(12)(a) The court shall not grant any motion to seal records for class A offenses made pursuant to subsection (11) of this section that is filed on or after July 1, 1997, unless:

(i) Since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition, the person has spent five consecutive years in the community without committing any offense or crime that subsequently results in an adjudication or conviction;

(ii) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense;

(iii) No proceeding is pending seeking the formation of a diversion agreement with that person;

(iv) The person has not been convicted of a sex offense; and

(v) Full restitution has been paid.

(b) The court shall not grant any motion to seal records for class B, C, gross misdemeanor and misdemeanor offenses and diversions made under subsection (11) of this section unless:

(i) Since the date of last release from confinement, including full-time residential treatment, if any, entry of disposition, or completion of the diversion agreement, the person has spent two consecutive years in the community without being convicted of any offense or crime;

(ii) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense;

(iii) No proceeding is pending seeking the formation of a diversion agreement with that person;

(iv) The person has not been convicted of a sex offense; and

(v) Full restitution has been paid.

(13) The person making a motion pursuant to subsection (11) of this section shall give reasonable notice of the motion to the prosecution and to any person or agency whose files are sought to be sealed.

(14)(a) If the court grants the motion to seal made pursuant to subsection (11) of this section, it shall, subject to subsection (23) of this section, order sealed the official juvenile court file, the social file, and other records relating to the case as are named in the order. Thereafter, the proceedings in the case shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events, records of which are sealed. Any agency shall reply to any inquiry concerning confidential or sealed records that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual.

(b) In the event the subject of the juvenile records receives a full and unconditional pardon, the proceedings in the matter upon which the pardon has been granted shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events upon which the pardon was received. Any agency shall reply to any inquiry concerning the records pertaining to the events for which the subject received a pardon that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual.

(15) Inspection of the files and records included in the order to seal may thereafter be permitted only by order of the court upon motion made by the person who is the subject of the information or complaint, except as otherwise provided in RCW 13.50.010(8) and subsection (23) of this section.

(16) Any adjudication of a juvenile offense or a crime subsequent to sealing has the effect of nullifying the sealing order. Any charging of an adult felony subsequent to the sealing has the effect of nullifying the sealing order for the purposes of chapter 9.94A RCW. The administrative office of the courts shall ensure that the superior court judicial information system provides prosecutors access to information on the existence of sealed juvenile records.

(17)(a)(i) Subject to subsection (23) of this section, all records maintained by any court or law enforcement agency, including the juvenile court, local law enforcement, the Washington state patrol, and the prosecutor's office, shall be automatically destroyed within ninety days of becoming eligible for destruction. Juvenile records are eligible for destruction when:

(A) The person who is the subject of the information or complaint is at least eighteen years of age;

(B) His or her criminal history consists entirely of one diversion agreement or counsel and release entered on or after June 12, 2008;

(C) Two years have elapsed since completion of the agreement or counsel and release;

(D) No proceeding is pending against the person seeking the conviction of a criminal offense; and

(E) There is no restitution owing in the case.

(ii) No less than quarterly, the administrative office of the courts shall provide a report to the juvenile courts of those individuals whose records may be eligible for destruction. The juvenile court shall verify eligibility and notify the Washington state patrol and the appropriate local law enforcement agency and prosecutor's office of the records to be destroyed. The requirement to destroy records under this subsection is not dependent on a court hearing or the issuance of a court order to destroy records.

(iii) The state and local governments and their officers and employees are not liable for civil damages for the failure to destroy records pursuant to this section.

(b) All records maintained by any court or law enforcement agency, including the juvenile court, local law enforcement, the Washington state patrol, and the prosecutor's office, shall be automatically destroyed within thirty days of being notified by the governor's office that the subject of those records received a full and unconditional pardon by the governor.

(c) A person eighteen years of age or older whose criminal history consists entirely of one diversion agreement or counsel and release entered prior to June 12, 2008, may request that the court order the records in his or her case destroyed. The request shall be granted, subject to subsection (23) of this section, if the court finds that two years have elapsed since completion of the agreement or counsel and release.

(((~~(c)~~)) (d) A person twenty-three years of age or older whose criminal history consists of only referrals for diversion may request that the court order the records in those cases destroyed. The request shall be granted, subject to subsection (23) of this section, if the court finds that all diversion agreements have been successfully completed and no proceeding is pending against the person seeking the conviction of a criminal offense.

(18) If the court grants the motion to destroy records made pursuant to subsection (17)(((~~(b) or~~)) (c) or (d) of this section, it shall, subject to subsection (23) of this section, order the official juvenile court file, the social file, and any other records named in the order to be destroyed.

(19) The person making the motion pursuant to subsection (17)(((~~(b) or~~)) (c) or (d) of this section shall give reasonable notice of the motion to the prosecuting attorney and to any agency whose records are sought to be destroyed.

(20) Any juvenile to whom the provisions of this section may apply shall be given written notice of his or her rights under this section at the time of his or her disposition hearing or during the diversion process.

(21) Nothing in this section may be construed to prevent a crime victim or a member of the victim's family from divulging the identity of the alleged or proven juvenile offender or his or her family when necessary in a civil proceeding.

(22) Any juvenile justice or care agency may, subject to the limitations in subsection (23) of this section and (a) and (b) of this subsection, develop procedures for the routine destruction of records relating to juvenile offenses and diversions.

(a) Records may be routinely destroyed only when the person the subject of the information or complaint has attained twenty-three years of age or older or pursuant to subsection (17)(a) of this section.

(b) The court may not routinely destroy the official juvenile court file or recordings or transcripts of any proceedings.

(23) Except for subsection (17)(b) of this section, no identifying information held by the Washington state patrol in accordance with chapter 43.43 RCW is subject to destruction or sealing under this section. For the purposes of this subsection, identifying information includes photographs, fingerprints, palmprints, soleprints, toeprints and any other data that identifies a person by physical characteristics, name, birthdate or address, but does not include information regarding criminal activity, arrest, charging, diversion, conviction or other information about a person's treatment by the criminal justice system or about the person's behavior.

(24) Information identifying child victims under age eighteen who are victims of sexual assaults by juvenile offenders is confidential and not subject to release to the press or public without the permission of the child victim or the child's legal guardian. Identifying information includes the child victim's name, addresses, location, photographs, and in cases in which the child victim is a relative of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator. Information identifying a child victim of sexual assault may be released to law enforcement, prosecutors, judges, defense attorneys, or private or governmental agencies that provide services to the child victim of sexual assault.

NEW SECTION. **Sec. 5.** RCW 13.50.050 (14)(b) and (17)(b) apply to all records of a full and unconditional pardon and should be applied retroactively as well as prospectively.

NEW SECTION. **Sec. 6.** 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."

On page 1, line 1 of the title, after "records;" strike the remainder of the title and insert "amending RCW 19.182.040 and 13.50.050; creating new sections; and providing an expiration date."

And the bill do pass as recommended by the conference committee.

Signed by Senators Hargrove and Harper; Representatives Darneille, Dickerson and Walsh.

MOTION

Senator Harper moved that the Report of the Conference Committee on Substitute House Bill No. 1793 be adopted.

Senator Harper spoke in favor of the motion.

Senator Carrell spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Harper that the Report of the Conference Committee on Substitute House Bill No. 1793 be adopted.

The motion by Senator Harper carried and the Report of the Conference Committee was adopted by voice vote.

Senators Carrell and Roach spoke against passage of the bill.

Senator Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1793, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1793, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 26; Nays, 20; Absent, 0; Excused, 3.

Voting yea: Senators Brown, Chase, Conway, Eide, Fraser, Hargrove, Harper, Hatfield, Haugen, Hobbs, Kastama, Keiser, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin, Tom and White

Voting nay: Senators Baumgartner, Baxter, Becker, Benton, Carrell, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, Kilmer, King, Morton, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Excused: Senators Delvin, Parlette and Pflug

SUBSTITUTE HOUSE BILL NO. 1793, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REPORT OF THE CONFERENCE COMMITTEE
Engrossed Substitute House Bill No. 1478
April 20, 2011

MR. PRESIDENT:
MR. SPEAKER:

We of your conference committee, to whom was referred Engrossed Substitute House Bill No. 1478, have had the same

under consideration and recommend that all previous amendments not be adopted and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** It is the legislature's intent to provide local governments with more time to meet certain statutory requirements. Many cities and counties in Washington are facing revenue shortfalls, higher expenses, and more difficulty with borrowing money as a result of the economic downturn. The effects of the economic downturn on the budgets of local governments will be felt most deeply from 2010 to 2012. Local governments are facing the combined impact of decreased tax revenues, a falloff in state and federal aid, and increased demand for social services. With the loss of tax revenue and state and federal aid, local governments are being forced to make significant cuts that will eliminate jobs, curtail essential services, and increase the number of people in need. Additionally, local governments are struggling to comply with certain statutory requirements. Local governments want to comply with these statutory requirements, but with budget constraints, they need more time to do so. The legislature does not intend to remove any existing statutory requirement, but rather modify the time under which a local government must meet certain statutory requirements.

Sec. 2. RCW 36.70A.130 and 2010 c 216 s 1 and 2010 c 211 s 2 are each reenacted and amended to read as follows:

(1)(a) Each comprehensive land use plan and development regulations shall be subject to continuing review and evaluation by the county or city that adopted them. Except as otherwise provided, a county or city shall take legislative action to review and, if needed, revise its comprehensive land use plan and development regulations to ensure the plan and regulations comply with the requirements of this chapter according to the deadlines in subsections (4) and (5) of this section.

(b) Except as otherwise provided, a county or city not planning under RCW 36.70A.040 shall take action to review and, if needed, revise its policies and development regulations regarding critical areas and natural resource lands adopted according to this chapter to ensure these policies and regulations comply with the requirements of this chapter according to the deadlines in subsections (4) and (5) of this section. Legislative action means the adoption of a resolution or ordinance following notice and a public hearing indicating at a minimum, a finding that a review and evaluation has occurred and identifying the revisions made, or that a revision was not needed and the reasons therefor.

(c) ((~~The review and evaluation required by this subsection may be combined with the review required by subsection (3) of this section.~~)) The review and evaluation required by this subsection shall include, but is not limited to, consideration of critical area ordinances and, if planning under RCW 36.70A.040, an analysis of the population allocated to a city or county from the most recent ten-year population forecast by the office of financial management.

(d) Any amendment of or revision to a comprehensive land use plan shall conform to this chapter. Any amendment of or revision to development regulations shall be consistent with and implement the comprehensive plan.

(2)(a) Each county and city shall establish and broadly disseminate to the public a public participation program consistent with RCW 36.70A.035 and 36.70A.140 that identifies procedures and schedules whereby updates, proposed amendments, or revisions of the comprehensive plan are considered by the governing body of the county or city no more frequently than once every year. "Updates" means to review and revise, if needed, according to subsection (1) of this section, and the deadlines in subsections (4) and (5) of this section or in accordance with the provisions of subsection (6) of this section. Amendments may be considered more frequently than once per year under the following circumstances:

(i) The initial adoption of a subarea plan. Subarea plans adopted under this subsection (2)(a)(i) must clarify, supplement, or implement jurisdiction-wide comprehensive plan policies, and may only be adopted if the cumulative impacts of the proposed plan are addressed by appropriate environmental review under chapter 43.21C RCW;

(ii) The development of an initial subarea plan for economic development located outside of the one hundred year floodplain in a county that has completed a state-funded pilot project that is based on watershed characterization and local habitat assessment;

(iii) The adoption or amendment of a shoreline master program under the procedures set forth in chapter 90.58 RCW;

(iv) The amendment of the capital facilities element of a comprehensive plan that occurs concurrently with the adoption or amendment of a county or city budget; or

(v) The adoption of comprehensive plan amendments necessary to enact a planned action under RCW 43.21C.031(2), provided that amendments are considered in accordance with the public participation program established by the county or city under this subsection (2)(a) and all persons who have requested notice of a comprehensive plan update are given notice of the amendments and an opportunity to comment.

(b) Except as otherwise provided in (a) of this subsection, all proposals shall be considered by the governing body concurrently so the cumulative effect of the various proposals can be ascertained. However, after appropriate public participation a county or city may adopt amendments or revisions to its comprehensive plan that conform with this chapter whenever an emergency exists or to resolve an appeal of a comprehensive plan filed with the growth management hearings board or with the court.

(3)(a) Each county that designates urban growth areas under RCW 36.70A.110 shall review, ((~~at least every ten years~~)) according to the schedules established in subsection (5) of this section, its designated urban growth area or areas, and the densities permitted within both the incorporated and unincorporated portions of each urban growth area. In conjunction with this review by the county, each city located within an urban growth area shall review the densities permitted within its boundaries, and the extent to which the urban growth occurring within the county has located within each city and the unincorporated portions of the urban growth areas.

(b) The county comprehensive plan designating urban growth areas, and the densities permitted in the urban growth areas by the comprehensive plans of the county and each city located within the urban growth areas, shall be revised to accommodate the urban growth projected to occur in the county for the succeeding twenty-year period. The review required by this subsection may be combined with the review and evaluation required by RCW 36.70A.215.

(4) Except as provided in subsection (6) of this section, counties and cities shall take action to review and, if needed, revise their comprehensive plans and development regulations to ensure the plan and regulations comply with the requirements of this chapter as follows:

(a) On or before December 1, 2004, for Clallam, Clark, Jefferson, King, Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties and the cities within those counties;

(b) On or before December 1, 2005, for Cowlitz, Island, Lewis, Mason, San Juan, Skagit, and Skamania counties and the cities within those counties;

(c) On or before December 1, 2006, for Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and Yakima counties and the cities within those counties; and

(d) On or before December 1, 2007, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities within those counties.

(5) Except as otherwise provided in subsection (6) of this section, following the review of comprehensive plans and development regulations required by subsection (4) of this section, counties and cities shall take action to review and, if needed, revise their comprehensive plans and development regulations to ensure the plan and regulations comply with the requirements of this chapter as follows:

(a) On or before ((~~December 1, 2014~~)) June 30, 2015, and every ((~~seven~~)) eight years thereafter, for ((~~Clallam, Clark, Jefferson,~~)) King, ((~~Kitsap,~~)) Pierce, and Snohomish((~~, Thurston, and Whatcom~~)) counties and the cities within those counties;

(b) On or before ((~~December 1, 2015~~)) June 30, 2016, and every ((~~seven~~)) eight years thereafter, for ((~~Cowlitz,~~)) Clallam, Clark, Island, ((~~Lewis~~)) Jefferson, Kitsap, Mason, San Juan, Skagit, Thurston, and ((~~Skamania~~)) Whatcom counties and the cities within those counties;

(c) On or before ((~~December 1, 2016~~)) June 30, 2017, and every ((~~seven~~)) eight years thereafter, for Benton, Chelan, Cowlitz, Douglas, ((~~Grant,~~)) Kittitas, Lewis, Skamania, Spokane, and Yakima counties and the cities within those counties; and

(d) On or before ((~~December 1, 2017~~)) June 30, 2018, and every ((~~seven~~)) eight years thereafter, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities within those counties.

(6)(a) Nothing in this section precludes a county or city from conducting the review and evaluation required by this section before the deadlines established in subsections (4) and (5) of this section. Counties and cities may begin this process early and may be eligible for grants from the department, subject to available funding, if they elect to do so.

(b) A county that is subject to a deadline established in subsection (4)(b) through (d) of this section and meets the following criteria may comply with the requirements of this section at any time within the thirty-six months following the deadline established in subsection (4) of this section: The county has a population of less than fifty thousand and has had its population increase by no more than seventeen percent in the ten years preceding the deadline established in subsection (4) of this section as of that date.

(c) A city that is subject to a deadline established in subsection (4)(b) through (d) of this section and meets the following criteria may comply with the requirements of this section at any time within the thirty-six months following the deadline established in subsection (4) of this section: The city has a population of no more than five thousand and has had its population increase by the greater of either no more than one hundred persons or no more than seventeen percent in the ten years preceding the deadline established in subsection (4) of this section as of that date.

(d) A county or city that is subject to a deadline established in subsection (4)(d) of this section and that meets the criteria established in subsection (6)(b) or (c) of this section may comply with the requirements of subsection (4)(d) of this section at any time within the thirty-six months after the extension provided in subsection (6)(b) or (c) of this section.

(e) A county that is subject to a deadline established in subsection (5)(b) through (d) of this section and meets the following criteria may comply with the requirements of this section at any time within the twenty-four months following the deadline established in subsection (5) of this section: The county has a population of less than fifty thousand and has had its population increase by no more than seventeen percent in the ten years preceding the deadline established in subsection (5) of this section as of that date.

(f) A city that is subject to a deadline established in subsection (5)(b) through (d) of this section and meets the following criteria may comply with the requirements of this section at any time within the twenty-four months following the deadline established in subsection (5) of this section: The city has a population of no more than five thousand and has had its population increase by the greater of either no more than one hundred persons or no more than seventeen percent in the ten years preceding the deadline established in subsection (5) of this section as of that date.

(g) State agencies are encouraged to provide technical assistance to the counties and cities in the review of critical area ordinances, comprehensive plans, and development regulations.

(7)(a) The requirements imposed on counties and cities under this section shall be considered "requirements of this chapter" under the terms of RCW 36.70A.040(1). Only those counties and cities that meet the following criteria may receive grants, loans, pledges, or financial guarantees under chapter 43.155 or 70.146 RCW:

(i) Complying with the deadlines in this section;

(ii) Demonstrating substantial progress towards compliance with the schedules in this section for development regulations that protect critical areas; or

(iii) Complying with the extension provisions of subsection (6)(b), (c), or (d) of this section.

(b) A county or city that is fewer than twelve months out of compliance with the schedules in this section for development regulations that protect critical areas is making substantial progress towards compliance. Only those counties and cities in compliance with the schedules in this section may receive preference for grants or loans subject to the provisions of RCW 43.17.250.

Sec. 3. RCW 36.70A.215 and 1997 c 429 s 25 are each amended to read as follows:

(1) Subject to the limitations in subsection (7) of this section, a county shall adopt, in consultation with its cities, countywide planning policies to establish a review and evaluation program. This program shall be in addition to the requirements of RCW 36.70A.110, 36.70A.130, and 36.70A.210. In developing and implementing the review and evaluation program required by this section, the county and its cities shall consider information from other appropriate jurisdictions and sources. The purpose of the review and evaluation program shall be to:

(a) Determine whether a county and its cities are achieving urban densities within urban growth areas by comparing growth and development assumptions, targets, and objectives contained in the countywide planning policies and the county and city comprehensive plans with actual growth and development that has occurred in the county and its cities; and

(b) Identify reasonable measures, other than adjusting urban growth areas, that will be taken to comply with the requirements of this chapter.

(2) The review and evaluation program shall:

(a) Encompass land uses and activities both within and outside of urban growth areas and provide for annual collection of data on urban and rural land uses, development, critical areas, and capital facilities to the extent necessary to determine the quantity and type of land suitable for development, both for residential and employment-based activities;

(b) Provide for evaluation of the data collected under (a) of this subsection ((~~every five years~~)) as provided in subsection (3) of this section. ((~~The first evaluation shall be completed not later than September 1, 2002.~~)) The evaluation shall be completed no later than one year prior to the deadline for review and, if necessary, update of comprehensive plans and development regulations as required by RCW 36.70A.130. The county and its cities may establish in the countywide planning policies indicators,

benchmarks, and other similar criteria to use in conducting the evaluation;

(c) Provide for methods to resolve disputes among jurisdictions relating to the countywide planning policies required by this section and procedures to resolve inconsistencies in collection and analysis of data; and

(d) Provide for the amendment of the countywide policies and county and city comprehensive plans as needed to remedy an inconsistency identified through the evaluation required by this section, or to bring these policies into compliance with the requirements of this chapter.

(3) At a minimum, the evaluation component of the program required by subsection (1) of this section shall:

(a) Determine whether there is sufficient suitable land to accommodate the countywide population projection established for the county pursuant to RCW 43.62.035 and the subsequent population allocations within the county and between the county and its cities and the requirements of RCW 36.70A.110;

(b) Determine the actual density of housing that has been constructed and the actual amount of land developed for commercial and industrial uses within the urban growth area since the adoption of a comprehensive plan under this chapter or since the last periodic evaluation as required by subsection (1) of this section; and

(c) Based on the actual density of development as determined under (b) of this subsection, review commercial, industrial, and housing needs by type and density range to determine the amount of land needed for commercial, industrial, and housing for the remaining portion of the twenty-year planning period used in the most recently adopted comprehensive plan.

(4) If the evaluation required by subsection (3) of this section demonstrates an inconsistency between what has occurred since the adoption of the countywide planning policies and the county and city comprehensive plans and development regulations and what was envisioned in those policies and plans and the planning goals and the requirements of this chapter, as the inconsistency relates to the evaluation factors specified in subsection (3) of this section, the county and its cities shall adopt and implement measures that are reasonably likely to increase consistency during the subsequent five-year period. If necessary, a county, in consultation with its cities as required by RCW 36.70A.210, shall adopt amendments to countywide planning policies to increase consistency. The county and its cities shall annually monitor the measures adopted under this subsection to determine their effect and may revise or rescind them as appropriate.

(5)(a) Not later than July 1, 1998, the department shall prepare a list of methods used by counties and cities in carrying out the types of activities required by this section. The department shall provide this information and appropriate technical assistance to counties and cities required to or choosing to comply with the provisions of this section.

(b) By December 31, 2007, the department shall submit to the appropriate committees of the legislature a report analyzing the effectiveness of the activities described in this section in achieving the goals envisioned by the countywide planning policies and the comprehensive plans and development regulations of the counties and cities.

(6) From funds appropriated by the legislature for this purpose, the department shall provide grants to counties, cities, and regional planning organizations required under subsection (7) of this section to conduct the review and perform the evaluation required by this section.

(7) The provisions of this section shall apply to counties, and the cities within those counties, that were greater than one hundred fifty thousand in population in 1995 as determined by office of financial management population estimates and that are located west of the crest of the Cascade mountain range. Any other county planning under RCW 36.70A.040 may carry out the review, evaluation, and amendment programs and procedures as provided in this section.

Sec. 4. RCW 43.19.648 and 2009 c 459 s 7 are each amended to read as follows:

(1) Effective June 1, 2015, all state agencies ((~~and local government subdivisions of the state~~)), to the extent determined practicable by the rules adopted by the department of ((~~community, trade, and economic development~~)) commerce pursuant to RCW 43.325.080, are required to satisfy one hundred percent of their fuel usage for operating publicly owned vessels, vehicles, and construction equipment from electricity or biofuel.

(2) Effective June 1, 2018, all local government subdivisions of the state, to the extent determined practicable by the rules adopted by the department of commerce pursuant to RCW 43.325.080, are required to satisfy one hundred percent of their fuel usage for operating publicly owned vessels, vehicles, and construction equipment from electricity or biofuel.

(3) In order to phase in this transition for the state, all state agencies, to the extent determined practicable by the department of ((~~community, trade, and economic development~~)) commerce by rules adopted pursuant to RCW 43.325.080, are required to achieve forty percent fuel usage for operating publicly owned vessels, vehicles, and construction equipment from electricity or biofuel by June 1, 2013. The department of general administration, in consultation with the department of ((~~community, trade, and economic development~~)) commerce, shall report to the governor and the legislature by December 1, 2013, on what percentage of the state's fuel usage is from electricity or biofuel.

(((~~(3)~~))) (4) Except for cars owned or operated by the Washington state patrol, when tires on vehicles in the state's motor vehicle fleet are replaced, they must be replaced with tires that have the same or better rolling resistance as the original tires.

(((~~(4)~~))) (5) By December 31, 2015, the state must, to the extent practicable, install electrical outlets capable of charging electric vehicles in each of the state's fleet parking and maintenance facilities.

(((~~(5)~~))) (6) The department of transportation's obligations under subsection (((~~(2)~~))) (3) of this section are subject to the availability of amounts appropriated for the specific purpose identified in subsection (((~~(2)~~))) (3) of this section.

(((~~(6)~~))) (7) The department of transportation's obligations under subsection (((~~(4)~~))) (5) of this section are subject to the availability of amounts appropriated for the specific purpose identified in subsection (((~~(4)~~))) (5) of this section unless the department receives federal or private funds for the specific purpose identified in subsection (((~~(4)~~))) (5) of this section.

(((~~(7)~~))) (8) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

(b) "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

Sec. 5. RCW 43.325.080 and 2007 c 348 s 204 are each amended to read as follows:

(1) By June 1, 2010, the department shall adopt rules to define practicability and clarify how state agencies ((~~and local government subdivisions~~)) will be evaluated in determining whether they have

met the goals set out in RCW 43.19.648(1). At a minimum, the rules must address:

(((~~(1)~~))) (a) Criteria for determining how the goal in RCW 43.19.648(1) will be met by June 1, 2015;

(((~~(2)~~))) (b) Factors considered to determine compliance with the goal in RCW 43.19.648(1), including but not limited to: The regional availability of fuels; vehicle costs; differences between types of vehicles, vessels, or equipment; the cost of program implementation; and cost differentials in different parts of the state; and

(((~~(3)~~))) (c) A schedule for phased-in progress towards meeting the goal in RCW 43.19.648(1) that may include different schedules for different fuel applications or different quantities of biofuels.

(2) By June 1, 2015, the department shall adopt rules to define practicability and clarify how local government subdivisions of the state will be evaluated in determining whether they have met the goals set out in RCW 43.19.648(2). At a minimum, the rules must address:

(a) Criteria for determining how the goal in RCW 43.19.648(2) will be met by June 1, 2018;

(b) Factors considered to determine compliance with the goal in RCW 43.19.648(2), including but not limited to: The regional availability of fuels; vehicle costs; differences between types of vehicles, vessels, or equipment; the cost of program implementation; and cost differentials in different parts of the state; and

(c) A schedule for phased-in progress towards meeting the goal in RCW 43.19.648(2) that may include different schedules for different fuel applications or different quantities of biofuels.

Sec. 6. RCW 43.185C.210 and 2008 c 256 s 1 are each amended to read as follows:

(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) Families with children who are homeless or who are at risk of becoming homeless and who are receiving services under chapter 13.34 RCW;

(c) 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;

(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 has a mental health or chemical dependency disorder; and

(e) 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. For eligible organizations serving victims of domestic violence or sexual assault, compliance with this subsection must be accomplished in accordance with 42 U.S.C. Sec. 11383(a)(8).

(5)(a) Except as provided in (b) of this subsection, 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)~~))) (i) State housing-related funding sources; (((~~(b)~~))) (ii) the affordable housing for all surcharge in RCW 36.22.178; (((~~(c)~~))) (iii) the home security fund surcharges in RCW 36.22.179 and 36.22.1791; and (((~~(d)~~))) (iv) 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.

(b) Cities and counties are exempt from the provisions of (a) of this subsection until 2018.

(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 homeless housing strategic plan as described in RCW 43.185C.040. 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 achieve self-sufficiency or increase their levels of self-sufficiency, which shall be defined by the department based upon the costs of living, including housing costs, needed to support: (i) One adult individual; and (ii) two adult individuals and one preschool-aged child and one school-aged child;

(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.

Sec. 7. RCW 46.68.113 and 2006 c 334 s 21 are each amended to read as follows:

During the ((~~2003-2005~~)) 2013-2015 biennium, cities and towns shall provide to the transportation commission, or its successor entity, preservation rating information on at least seventy percent of the total city and town arterial network. Thereafter, the preservation rating information requirement shall increase in five percent increments in subsequent biennia, but in no case shall it exceed eighty percent. The rating system used by cities and towns must be based upon the Washington state pavement rating method or an equivalent standard approved by the department of transportation. Beginning January 1, 2007, the preservation rating information shall be submitted to the department.

Sec. 8. RCW 82.02.070 and 2009 c 263 s 1 are each amended to read as follows:

(1) Impact fee receipts shall be earmarked specifically and retained in special interest-bearing accounts. Separate accounts shall be established for each type of public facility for which impact fees are collected. All interest shall be retained in the account and expended for the purpose or purposes for which the impact fees were imposed. Annually, each county, city, or town imposing impact fees shall provide a report on each impact fee account showing the source and amount of all moneys collected, earned, or received and system improvements that were financed in whole or in part by impact fees.

(2) Impact fees for system improvements shall be expended only in conformance with the capital facilities plan element of the comprehensive plan.

(3)(a) Except as provided otherwise by (b) of this subsection, impact fees shall be expended or encumbered for a permissible use within ((~~six~~)) ten years of receipt, unless there exists an extraordinary and compelling reason for fees to be held longer than ((~~six~~)) ten years. Such extraordinary or compelling reasons shall be identified in written findings by the governing body of the county, city, or town.

(b) School impact fees must be expended or encumbered for a permissible use within ten years of receipt, unless there exists an extraordinary and compelling reason for fees to be held longer than ten years. Such extraordinary or compelling reasons shall be identified in written findings by the governing body of the county, city, or town.

(4) Impact fees may be paid under protest in order to obtain a permit or other approval of development activity.

(5) Each county, city, or town that imposes impact fees shall provide for an administrative appeals process for the appeal of an impact fee; the process may follow the appeal process for the underlying development approval or the county, city, or town may establish a separate appeals process. The impact fee may be modified upon a determination that it is proper to do so based on principles of fairness. The county, city, or town may provide for the resolution of disputes regarding impact fees by arbitration.

Sec. 9. RCW 82.02.080 and 1990 1st ex.s. c 17 s 47 are each amended to read as follows:

(1) The current owner of property on which an impact fee has been paid may receive a refund of such fees if the county, city, or town fails to expend or encumber the impact fees within ((~~six~~)) ten years of when the fees were paid or other such period of time established pursuant to RCW 82.02.070(3) on public facilities intended to benefit the development activity for which the impact fees were paid. In determining whether impact fees have been encumbered, impact fees shall be considered encumbered on a first in, first out basis. The county, city, or town shall notify potential claimants by first-class mail deposited with the United States postal service at the last known address of claimants.

The request for a refund must be submitted to the county, city, or town governing body in writing within one year of the date the right to claim the refund arises or the date that notice is given, whichever is later. Any impact fees that are not expended within these time limitations, and for which no application for a refund has been made within this one-year period, shall be retained and expended on the indicated capital facilities. Refunds of impact fees under this subsection shall include interest earned on the impact fees.

(2) When a county, city, or town seeks to terminate any or all impact fee requirements, all unexpended or unencumbered funds, including interest earned, shall be refunded pursuant to this section. Upon the finding that any or all fee requirements are to be terminated, the county, city, or town shall place notice of such termination and the availability of refunds in a newspaper of general circulation at least two times and shall notify all potential claimants by first-class mail to the last known address of claimants. All funds available for refund shall be retained for a period of one year. At the end of one year, any remaining funds shall be retained by the local government, but must be expended for the indicated public facilities. This notice requirement shall not apply if there are no unexpended or unencumbered balances within an account or accounts being terminated.

(3) A developer may request and shall receive a refund, including interest earned on the impact fees, when the developer does not proceed with the development activity and no impact has resulted.

Sec. 10. RCW 82.14.415 and 2009 c 550 s 1 are each amended to read as follows:

(1) The legislative authority of any city that is located in a county with a population greater than six hundred thousand that annexes an area consistent with its comprehensive plan required by chapter 36.70A RCW((~~,~~)) may impose a sales and use tax in accordance with the terms of this chapter. The tax is in addition to other taxes authorized by law and ((~~shall be~~)) is collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the city. The tax may only be imposed by a city if:

(a) The city has commenced annexation of an area having a population of at least ten thousand people, or four thousand in the case of a city described under subsection (3)(a)(i) of this section, prior to January 1, 2015; and

(b) The city legislative authority determines by resolution or ordinance that the projected cost to provide municipal services to the annexation area exceeds the projected general revenue that the city would otherwise receive from the annexation area on an annual basis.

(2) The tax authorized under this section is a credit against the state tax under chapter 82.08 or 82.12 RCW. The department of revenue ((~~shall~~)) must perform the collection of such taxes on behalf of the city at no cost to the city and ((~~shall~~)) must remit the tax to the city as provided in RCW 82.14.060.

(3)(a) Except as provided in (b) of this subsection, the maximum rate of tax any city may impose under this section is:

(i) 0.1 percent for each annexed area in which the population is greater than ten thousand and less than twenty thousand. The ten thousand population threshold in this subsection (3)(a)(i) is four thousand for a city with a population between one hundred fifteen thousand and one hundred forty thousand and located within a county with a population over one million five hundred thousand; and

(ii) 0.2 percent for an annexed area in which the population is greater than twenty thousand.

(b) Beginning July 1, 2011, the maximum rate of tax imposed under this section is 0.85 percent for an annexed area in which the population is greater than ((~~eighteen~~)) sixteen thousand if the annexed area was, prior to November 1, 2008, officially designated as a potential annexation area by more than one city, one of which has a population greater than four hundred thousand.

(4)(a) Except as provided in (b) of this subsection, the maximum cumulative rate of tax a city may impose under subsection (3)(a) of this section is 0.2 percent for the total number of annexed areas the city may annex.

(b) The maximum cumulative rate of tax a city may impose under subsection (3)(a) of this section is 0.3 percent, beginning July 1, 2011, if the city commenced annexation of an area, prior to January 1, 2010, that would have otherwise allowed the city to increase the rate of tax imposed under this section absent the rate limit imposed in (a) of this subsection.

(c) The maximum cumulative rate of tax a city may impose under subsection (3)(b) of this section is 0.85 percent for the single annexed area the city may annex and the amount of tax distributed to a city under subsection (3)(b) of this section ((~~shall~~)) may not exceed five million dollars per fiscal year.

(5) The tax imposed by this section ((~~shall~~)) may only be imposed at the beginning of a fiscal year and ((~~shall~~)) may continue for no more than ten years from the date that each increment of the tax is first imposed. Tax rate increases due to additional annexed areas ((~~shall be~~)) are effective on July 1st of the fiscal year following the fiscal year in which the annexation occurred, provided that notice is given to the department as set forth in subsection (9) of this section.

(6) All revenue collected under this section ((~~shall~~)) may be used solely to provide, maintain, and operate municipal services for the annexation area.

(7) The revenues from the tax authorized in this section may not exceed that which the city deems necessary to generate revenue equal to the difference between the city's cost to provide, maintain, and operate municipal services for the annexation area and the general revenues that the cities would otherwise expect to receive from the annexation during a year. If the revenues from the tax authorized in this section and the revenues from the annexation area exceed the costs to the city to provide, maintain, and operate municipal services for the annexation area during a given year, the city ((~~shall~~)) must notify the department and the tax distributions authorized in this section ((~~shall~~)) must be suspended for the remainder of the year.

(8) No tax may be imposed under this section before July 1, 2007. Before imposing a tax under this section, the legislative authority of a city ((~~shall~~)) must adopt an ordinance that includes the following:

(a) A certification that the amount needed to provide municipal services to the annexed area reflects the city's true and actual costs;

(b) The rate of tax under this section that ((~~shall be~~)) is imposed within the city; and

(c) The threshold amount for the first fiscal year following the annexation and passage of the ordinance.

(9) The tax ((~~shall~~)) must cease to be distributed to the city for the remainder of the fiscal year once the threshold amount has been reached. No later than March 1st of each year, the city ((~~shall~~)) must provide the department with a certification of the city's true and actual costs to provide municipal services to the annexed area, a new threshold amount for the next fiscal year, and notice of any applicable tax rate changes. Distributions of tax under this section ((~~shall~~)) must begin again on July 1st of the next fiscal year and continue until the new threshold amount has been reached or June 30th, whichever is sooner. Any revenue generated by the tax in excess of the threshold amount ((~~shall~~)) belongs to the state of Washington. Any amount resulting from the threshold amount less the total fiscal year distributions, as of June 30th, ((~~shall~~)) may not be carried forward to the next fiscal year.

(10) The tax ((~~shall~~)) must cease to be distributed to a city imposing the tax under subsection (3)(b) of this section for the remainder of the fiscal year, if the total distributions to the city imposing the tax exceed five million dollars for the fiscal year.

(11) The resident population of the annexation area must be determined in accordance with chapter 35.13 or 35A.14 RCW.

(12) The following definitions apply throughout this section unless the context clearly requires otherwise:

(a) "Annexation area" means an area that has been annexed to a city under chapter 35.13 or 35A.14 RCW. "Annexation area" includes all territory described in the city resolution.

(b) "Commenced annexation" means the initiation of annexation proceedings has taken place under the direct petition method or the election method under chapter 35.13 or 35A.14 RCW.

(c) "Department" means the department of revenue.

(d) "Municipal services" means those services customarily provided to the public by city government.

(e) "Fiscal year" means the year beginning July 1st and ending the following June 30th.

(f) "Potential annexation area" means one or more geographic areas that a city has officially designated for potential future annexation, as part of its comprehensive plan adoption process under the state growth management act, chapter 36.70A RCW.

(g) "Threshold amount" means the maximum amount of tax distributions as determined by the city in accordance with subsection (7) of this section that the department ((~~shall~~)) must distribute to the city generated from the tax imposed under this section in a fiscal year.

Sec. 11. RCW 90.46.015 and 2009 c 456 s 2 are each amended to read as follows:

(1) The department of ecology shall, in coordination with the department of health, adopt rules for reclaimed water use consistent with this chapter. The rules must address all aspects of reclaimed water use, including commercial and industrial uses, land applications, direct groundwater recharge, wetland discharge, surface percolation, constructed wetlands, and streamflow or surface water augmentation. The department of health shall, in coordination with the department of ecology, adopt rules for greywater reuse. The rules must also designate whether the department of ecology or the department of health will be the lead agency responsible for a particular aspect of reclaimed water use. In developing the rules, the departments of health and ecology shall amend or rescind any existing rules on reclaimed water in conflict with the new rules.

(2) All rules required to be adopted pursuant to this section must be completed no later than December 31, 2010, ((~~although the department of ecology is encouraged to adopt the final rules as soon as possible~~)) except that the department of ecology shall adopt rules for reclaimed water use no earlier than June 30, 2013.

(3) The department of ecology must consult with the advisory committee created under RCW 90.46.050 in all aspects of rule development required under this section.

Sec. 12. RCW 90.48.260 and 2007 c 341 s 55 are each amended to read as follows:

(1) The department of ecology is hereby designated as the state water pollution control agency for all purposes of the federal clean water act as it exists on February 4, 1987, and is hereby authorized to participate fully in the programs of the act as well as to take all action necessary to secure to the state the benefits and to meet the requirements of that act. With regard to the national estuary program established by section 320 of that act, the department shall exercise its responsibility jointly with the Puget Sound partnership, created in RCW 90.71.210. The department of ecology may delegate its authority under this chapter, including its national pollutant discharge elimination permit system authority and duties regarding animal feeding operations and concentrated animal feeding operations, to the department of agriculture through a memorandum of understanding. Until any such delegation receives federal approval, the department of agriculture's adoption or issuance of animal feeding operation and concentrated animal feeding operation rules, permits, programs, and directives pertaining to water quality shall be accomplished after reaching agreement with the director of the department of ecology. Adoption or issuance and implementation shall be accomplished so that compliance with such animal feeding operation and concentrated animal feeding operation rules, permits, programs, and directives will achieve compliance with all federal and state water pollution control laws. The powers granted herein include, among others,

and notwithstanding any other provisions of chapter 90.48 RCW or otherwise, the following:

(((~~(1)~~))) (a) Complete authority to establish and administer a comprehensive state point source waste discharge or pollution discharge elimination permit program which will enable the department to qualify for full participation in any national waste discharge or pollution discharge elimination permit system and will allow the department to be the sole agency issuing permits required by such national system operating in the state of Washington subject to the provisions of RCW 90.48.262(2). Program elements authorized herein may include, but are not limited to: (((~~(a)~~))) (i) Effluent treatment and limitation requirements together with timing requirements related thereto; (((~~(b)~~))) (ii) applicable receiving water quality standards requirements; (((~~(c)~~))) (iii) requirements of standards of performance for new sources; (((~~(d)~~))) (iv) pretreatment requirements; (((~~(e)~~))) (v) termination and modification of permits for cause; (((~~(f)~~))) (vi) requirements for public notices and opportunities for public hearings; (((~~(g)~~))) (vii) appropriate relationships with the secretary of the army in the administration of his responsibilities which relate to anchorage and navigation, with the administrator of the environmental protection agency in the performance of his duties, and with other governmental officials under the federal clean water act; (((~~(h)~~))) (viii) requirements for inspection, monitoring, entry, and reporting; (((~~(i)~~))) (ix) enforcement of the program through penalties, emergency powers, and criminal sanctions; (((~~(j)~~))) (x) a continuing planning process; and (((~~(k)~~))) (xi) user charges.

(((~~(2)~~))) (b) The power to establish and administer state programs in a manner which will insure the procurement of moneys, whether in the form of grants, loans, or otherwise; to assist in the construction, operation, and maintenance of various water pollution control facilities and works; and the administering of various state water pollution control management, regulatory, and enforcement programs.

(((~~(3)~~))) (c) The power to develop and implement appropriate programs pertaining to continuing planning processes, area-wide waste treatment management plans, and basin planning.

The governor shall have authority to perform those actions required of him or her by the federal clean water act.

(2) By July 31, 2012, the department shall:

(a) Reissue without modification and for a term of one year any national pollutant discharge elimination system municipal storm water general permit first issued on January 17, 2007; and

(b) Issue an updated national pollutant discharge elimination system municipal storm water general permit for any permit first issued on January 17, 2007. An updated permit issued under this subsection shall become effective beginning August 1, 2013.

Sec. 13. RCW 90.58.080 and 2007 c 170 s 1 are each amended to read as follows:

(1) Local governments shall develop or amend a master program for regulation of uses of the shorelines of the state consistent with the required elements of the guidelines adopted by the department in accordance with the schedule established by this section.

(2)(a) Subject to the provisions of subsections (5) and (6) of this section, each local government subject to this chapter shall develop or amend its master program for the regulation of uses of shorelines within its jurisdiction according to the following schedule:

(i) On or before December 1, 2005, for the city of Port Townsend, the city of Bellingham, the city of Everett, Snohomish county, and Whatcom county;

(ii) On or before December 1, 2009, for King county and the cities within King county greater in population than ten thousand;

(iii) Except as provided by (a)(i) and (ii) of this subsection, on or before December 1, 2011, for Clallam, Clark, Jefferson, King, Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties and the cities within those counties;

(iv) On or before December 1, 2012, for Cowlitz, Island, Lewis, Mason, San Juan, Skagit, and Skamania counties and the cities within those counties;

(v) On or before December 1, 2013, for Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and Yakima counties and the cities within those counties; and

(vi) On or before December 1, 2014, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities within those counties.

(b) Nothing in this subsection (2) shall preclude a local government from developing or amending its master program prior to the dates established by this subsection (2).

(3)(a) Following approval by the department of a new or amended master program, local governments required to develop or amend master programs on or before December 1, 2009, as provided by subsection (2)(a)(i) and (ii) of this section, shall be deemed to have complied with the schedule established by subsection (2)(a)(iii) of this section and shall not be required to complete master program amendments until ((~~seven years after~~)) the applicable dates established by subsection (((~~(2)(a)(iii)~~))) (4)(b) of this section. Any jurisdiction listed in subsection (2)(a)(i) of this section that has a new or amended master program approved by the department on or after March 1, 2002, but before July 27, 2003, shall not be required to complete master program amendments until ((~~seven years after~~)) the applicable date provided by subsection (((~~(2)(a)(iii)~~))) (4)(b) of this section.

(b) Following approval by the department of a new or amended master program, local governments choosing to develop or amend master programs on or before December 1, 2009, shall be deemed to have complied with the schedule established by subsection (2)(a)(iii) through (vi) of this section and shall not be required to complete master program amendments until ((~~seven years after~~)) the applicable dates established by subsection (((~~(2)(a)(iii) through (vi)~~))) (4)(b) of this section.

(4)(a) Following the updates required by subsection (2) of this section, local governments shall conduct a review of their master programs at least once every ((~~seven~~)) eight years ((~~after the applicable dates established by subsection (2)(a)(iii) through (vi) of this section~~)) as required by (b) of this subsection. Following the review required by this subsection (4), local governments shall, if necessary, revise their master programs. The purpose of the review is:

(((~~(a)~~))) (i) To assure that the master program complies with applicable law and guidelines in effect at the time of the review; and

(((~~(b)~~))) (ii) To assure consistency of the master program with the local government's comprehensive plan and development regulations adopted under chapter 36.70A RCW, if applicable, and other local requirements.

(b) Counties and cities shall take action to review and, if necessary, revise their master programs as required by (a) of this subsection as follows:

(i) On or before June 30, 2019, and every eight years thereafter, for King, Pierce, and Snohomish counties and the cities within those counties;

(ii) On or before June 30, 2020, and every eight years thereafter, for Clallam, Clark, Island, Jefferson, Kitsap, Mason, San Juan, Skagit, Thurston, and Whatcom counties and the cities within those counties;

(iii) On or before June 30, 2021, and every eight years thereafter, for Benton, Chelan, Cowlitz, Douglas, Grant, Kittitas, Lewis, Skamania, Spokane, and Yakima counties and the cities

within those counties; and

(iv) On or before June 30, 2022, and every eight years thereafter, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities within those counties.

(5) In meeting the update requirements of subsection (2) of this section, local governments are encouraged to begin the process of developing or amending their master programs early and are eligible for grants from the department as provided by RCW 90.58.250, subject to available funding. Except for those local governments listed in subsection (2)(a)(i) and (ii) of this section, the deadline for completion of the new or amended master programs shall be two years after the date the grant is approved by the department. Subsequent master program review dates shall not be altered by the provisions of this subsection.

(6) In meeting the update requirements of subsection (2) of this section, the following shall apply:

(a) Grants to local governments for developing and amending master programs pursuant to the schedule established by this section shall be provided at least two years before the adoption dates specified in subsection (2) of this section. To the extent possible, the department shall allocate grants within the amount appropriated for such purposes to provide reasonable and adequate funding to local governments that have indicated their intent to develop or amend master programs during the biennium according to the schedule established by subsection (2) of this section. Any local government that applies for but does not receive funding to comply with the provisions of subsection (2) of this section may delay the development or amendment of its master program until the following biennium.

(b) Local governments with delayed compliance dates as provided in (a) of this subsection shall be the first priority for funding in subsequent biennia, and the development or amendment compliance deadline for those local governments shall be two years after the date of grant approval.

(c) Failure of the local government to apply in a timely manner for a master program development or amendment grant in accordance with the requirements of the department shall not be considered a delay resulting from the provisions of (a) of this subsection.

(7) ((~~Notwithstanding the provisions~~)) In meeting the update requirements of subsection (2) of this section, all local governments subject to the requirements of this chapter that have not developed or amended master programs on or after March 1, 2002, shall, no later than December 1, 2014, develop or amend their master programs to comply with guidelines adopted by the department after January 1, 2003.

(8) In meeting the update requirements of subsection (2) of this section, local governments may be provided an additional year beyond the deadlines in this section to complete their master program or amendment. The department shall grant the request if it determines that the local government is likely to adopt or amend its master program within the additional year.

Sec. 14. RCW 90.58.090 and 2003 c 321 s 3 are each amended to read as follows:

(1) A master program, segment of a master program, or an amendment to a master program shall become effective when approved by the department. Within the time period provided in RCW 90.58.080, each local government shall have submitted a master program, either totally or by segments, for all shorelines of the state within its jurisdiction to the department for review and approval.

The department shall strive to achieve final action on a submitted master program within one hundred eighty days of receipt and shall post an annual assessment related to this performance benchmark on the agency web site.

(2) Upon receipt of a proposed master program or amendment, the department shall:

(a) Provide notice to and opportunity for written comment by all interested parties of record as a part of the local government review process for the proposal and to all persons, groups, and agencies that have requested in writing notice of proposed master programs or amendments generally or for a specific area, subject matter, or issue. The comment period shall be at least thirty days, unless the department determines that the level of complexity or controversy involved supports a shorter period;

(b) In the department's discretion, conduct a public hearing during the thirty-day comment period in the jurisdiction proposing the master program or amendment;

(c) Within fifteen days after the close of public comment, request the local government to review the issues identified by the public, interested parties, groups, and agencies and provide a written response as to how the proposal addresses the identified issues;

(d) Within thirty days after receipt of the local government response pursuant to (c) of this subsection, make written findings and conclusions regarding the consistency of the proposal with the policy of RCW 90.58.020 and the applicable guidelines, provide a response to the issues identified in (c) of this subsection, and either approve the proposal as submitted, recommend specific changes necessary to make the proposal approvable, or deny approval of the proposal in those instances where no alteration of the proposal appears likely to be consistent with the policy of RCW 90.58.020 and the applicable guidelines. The written findings and conclusions shall be provided to the local government, all interested persons, parties, groups, and agencies of record on the proposal;

(e) If the department recommends changes to the proposed master program or amendment, within thirty days after the department mails the written findings and conclusions to the local government, the local government may:

(i) Agree to the proposed changes. The receipt by the department of the written notice of agreement constitutes final action by the department approving the amendment; or

(ii) Submit an alternative proposal. If, in the opinion of the department, the alternative is consistent with the purpose and intent of the changes originally submitted by the department and with this chapter it shall approve the changes and provide written notice to all recipients of the written findings and conclusions. If the department determines the proposal is not consistent with the purpose and intent of the changes proposed by the department, the department may resubmit the proposal for public and agency review pursuant to this section or reject the proposal.

(3) The department shall approve the segment of a master program relating to shorelines unless it determines that the submitted segments are not consistent with the policy of RCW 90.58.020 and the applicable guidelines.

(4) The department shall approve the segment of a master program relating to critical areas as defined by RCW 36.70A.030(5) provided the master program segment is consistent with RCW 90.58.020 and applicable shoreline guidelines, and if the segment provides a level of protection of critical areas at least equal to that provided by the local government's critical areas ordinances adopted and thereafter amended pursuant to RCW 36.70A.060(2).

(5) The department shall approve those segments of the master program relating to shorelines of statewide significance only after determining the program provides the optimum implementation of the policy of this chapter to satisfy the statewide interest. If the department does not approve a segment of a local government master program relating to a shoreline of statewide significance, the department may develop and by rule adopt an alternative to the local government's proposal.

(6) In the event a local government has not complied with the requirements of RCW 90.58.070 it may thereafter upon written notice to the department elect to adopt a master program for the shorelines within its jurisdiction, in which event it shall comply with the provisions established by this chapter for the adoption of a master program for such shorelines.

Upon approval of such master program by the department it shall supersede such master program as may have been adopted by the department for such shorelines.

(7) A master program or amendment to a master program takes effect when and in such form as approved or adopted by the department. Shoreline master programs that were adopted by the department prior to July 22, 1995, in accordance with the provisions of this section then in effect, shall be deemed approved by the department in accordance with the provisions of this section that became effective on that date. The department shall maintain a record of each master program, the action taken on any proposal for adoption or amendment of the master program, and any appeal of the department's action. The department's approved document of record constitutes the official master program."

On page 1, line 3 of the title, after "requirements;" strike the remainder of the title and insert "amending RCW 36.70A.215, 43.19.648, 43.325.080, 43.185C.210, 46.68.113, 82.02.070, 82.02.080, 82.14.415, 90.46.015, 90.48.260, 90.58.080, and 90.58.090; reenacting and amending RCW 36.70A.130; and creating a new section."

And the bill do pass as recommended by the conference committee.

Signed by Senators Nelson, Pridemore and Swecker; Representatives Angel, Fitzgibbon and Springer.

MOTION

Senator Pridemore moved that the Report of the Conference Committee on Engrossed Substitute House Bill No. 1478 be adopted.

Senators Pridemore and Swecker spoke in favor of passage of the motion.

Senator Kastama spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Pridemore that the Report of the Conference Committee on Engrossed Substitute House Bill No. 1478 be adopted.

The motion by Senator Pridemore carried and the Report of the Conference Committee was adopted by a rising vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1478, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1478, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 33; Nays, 13; Absent, 1; Excused, 2.

Voting yea: Senators Baumgartner, Benton, Brown, Chase, Conway, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Shin, Swecker, Tom, White and Zarelli

Voting nay: Senators Baxter, Becker, Carrell, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Morton, Roach, Sheldon and Stevens

Absent: Senator Nelson

Excused: Senators Delvin and Parlette

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1478, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Kastama: "I'd like to make this a point of personal privilege because I believe that there are things being said on the Senate floor that affect me personally and I'd like to explain to members here about that last speech so that there is absolutely no confusion as to my involvement in state accountability. I asked to be the Chair of the Senate Government Operations, Tribal Relations and Elections Committee. During that time there was a piece of legislation that passed that all state agencies apply for something called the 'Washington State Quality Award.' I went ahead and passed that bill. I didn't know exactly what it was about but frankly I went on from there and I took the classes necessary to become an examiner for the Washington State Quality Awards at my cost and I volunteer for this organization. There are three sources of audits in the State of Washington: the State Auditor, but that's very infrequent and it's very subjective; there's JLARC, which we direct but it's very expensive; and the third thing is the Washington State Quality Awards, which is a state agency that gets no money from the state. It gets it from its private contributors and it relies on volunteers like myself to take the classes, pay for them and then go out and do examinations of state agencies and companies. That is my involvement with the Washington State Quality Awards so I know it very well. It is a performance audit. It is not just something that you capriciously do. It is where, you have a team of examiners come into your organization. They examine it. The most comprehensive performance audit of any of those other entities that I have mentioned. So, I really, frankly, Mr. President bring this up because I'm offended when people think that there is some personal gain out of that. I volunteer my time. I know it probably better than most people here because I have gone through the classes and training. And yet that Malcolm Baldrige National Quality Award criteria-this from the Federal Government-that Washington State Quality Awards use is constantly disparaged in this institution. I challenge anyone here to find better criteria in the world than that. It is by our Commerce Department in Washington D. C. that makes it. It is used by Boeing. It is used by Proctor and Gamble. It is used by my local hospital, Good Samaritan Hospital Multi care. So, this is excellent stuff and I'm tired of it being disparaged in both the House and the Senate. And I'm tired of it being disparaged by cities and counties who do not take the time to learn it. People are fed up with the way government operates., We say it just needs more money. Frankly it needs better performance. It needs better performance measures and this is a good system if not the best way to do it. And frankly Mr. President, that's why I'm bringing it up because I am tired of these disparaging remarks and I challenge anyone to come forward and refule what I've said. Thank you Mr. President."

MOTION

On motion of Senator Ericksen, Senator Carrell was excused.

MESSAGE FROM THE HOUSE

April 21, 2011

MR. PRESIDENT:

The House has adopted the report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 5836 and has passed the bill as recommended by the Conference Committee.
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

REPORT OF THE CONFERENCE COMMITTEE
Substitute Senate Bill No. 5836
April 20, 2011

MR. PRESIDENT:
MR. SPEAKER:

We of your conference committee, to whom was referred Substitute Senate Bill No. 5836, have had the same under consideration and recommend that all previous amendments not be adopted and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.61.165 and 1999 c 206 s 1 are each amended to read as follows:

(1) The state department of transportation and the local authorities are authorized to reserve all or any portion of any highway under their respective jurisdictions, including any designated lane or ramp, for the exclusive or preferential use of one or more of the following: (a) Public transportation vehicles ((~~or~~)); (b) private motor vehicles carrying no fewer than a specified number of passengers; or (c) the following private transportation provider vehicles if the vehicle has the capacity to carry eight or more passengers, regardless of the number of passengers in the vehicle, and if such use does not interfere with the efficiency, reliability, and safety of public transportation operations: (i) Auto transportation company vehicles regulated under chapter 81.68 RCW; (ii) passenger charter carrier vehicles regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; (iii) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (iv) private employer transportation service vehicles, when such limitation will increase the efficient utilization of the highway or will aid in the conservation of energy resources.

(2) Any transit-only lanes that allow other vehicles to access abutting businesses that are authorized pursuant to subsection (1) of this section may not be authorized for the use of private transportation provider vehicles as described under subsection (1) of this section.

(3) The state department of transportation and the local authorities authorized to reserve all or any portion of any highway under their respective jurisdictions, for exclusive or preferential use, may prohibit the use of a high occupancy vehicle lane by the following private transportation provider vehicles: (a) Auto transportation company vehicles regulated under chapter 81.68 RCW; (b) passenger charter carrier vehicles regulated under chapter 81.70 RCW, and marked or unmarked limousines and stretch sport utility vehicles as defined under department of licensing rules; (c) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (d) private employer transportation service vehicles, when the average transit speed in the high occupancy vehicle lane fails to meet department of transportation standards and falls below forty-five miles per hour at least ninety percent of the time during the peak hours, as determined by the department of transportation or the local authority, whichever operates the facility.

(4) Regulations authorizing such exclusive or preferential use of a highway facility may be declared to be effective at all times or at specified times of day or on specified days. Violation of a restriction of highway usage prescribed by the appropriate authority under this section is a traffic infraction.

(5) Local authorities are encouraged to establish a process for private transportation providers, as described under subsections (1) and (3) of this section, to apply for the use of public transportation facilities reserved for the exclusive or preferential use of public transportation vehicles. The application and review processes should be uniform and should provide for an expeditious response by the local authority. Whenever practicable, local authorities should enter into agreements with such private transportation providers to allow for the reasonable use of these facilities.

(6) For the purposes of this section, "private employer transportation service" means regularly scheduled, fixed-route transportation service that is similarly marked or identified to display the business name or logo on the driver and passenger sides of the vehicle, meets the annual certification requirements of the department of transportation, and is offered by an employer for the benefit of its employees.

Sec. 2. RCW 47.04.290 and 2008 c 257 s 1 are each amended to read as follows:

(1) Any local transit agency that has received state funding for a park and ride lot shall make reasonable accommodation for use of that lot by: Auto transportation companies regulated under chapter 81.68 RCW ((~~and~~)); passenger charter carriers regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; private, nonprofit transportation providers regulated under chapter 81.66 RCW((~~, that intend to provide or already provide regularly scheduled service at that lot~~)); and private employer transportation service vehicles, provided that such use does not interfere with the efficiency, reliability, and safety of public transportation operations. The accommodation must be in the form of an agreement between the applicable local transit agency and the private ((~~transit~~)) transportation provider ((~~regulated under chapter 81.68 or 81.66 RCW~~)). The transit agency may require that the agreement include provisions to recover actual costs and fair market value for the use of the lot and its related facilities and to provide adequate insurance and indemnification of the transit agency, and other reasonable provisions to ensure that the private ((~~transit~~)) transportation provider's use does not unduly burden the transit agency. The transit agency may consider benefits to its public transportation system when establishing an amount to charge for the use of the park and ride lot and its related facilities. If the agreement includes provisions to recover actual costs, the private transportation provider is responsible to remit the full actual costs of park and ride lot use to the appropriate transit agency. No accommodation is required, and any agreement may be terminated, if the park and ride lot is at or exceeds ninety percent capacity between the hours of 6:00 a.m. and 4:00 p.m., Monday through Friday for two consecutive months. Additionally, any agreement may be terminated if the private transportation provider violates any policies guiding the terms of use of the park and ride lot. The transit agency may reserve the authority to designate which pick-up and drop-off zones of the park and ride lot may be used by the private transportation provider.

(2) A local transit agency described under subsection (1) of this section may enter into a cooperative agreement with a taxicab company regulated under chapter 81.72 RCW in order to accommodate the taxicab company at the agency's park and ride lot, provided the taxicab company must agree to provide service with reasonable availability, subject to schedule coordination provisions as agreed to by the parties.

(3) For the purposes of this section, "private employer transportation service" means regularly scheduled, fixed-route transportation service that is similarly marked or identified to display the business name or logo on the driver and passenger sides of the vehicle, meets

the annual certification requirements of the department, and is offered by an employer for the benefit of its employees.

(4) For the purposes of this section, "private transportation provider" means:

(a) A company regulated under chapter 81.68 RCW; chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; and chapter 81.66 RCW; and

(b) An entity providing private employer transportation service.

(5)(a) Local authorities are encouraged to establish a process for private transportation providers, described under subsections (1) and (4) of this section, to apply for the use of park and ride facilities.

(b) The process must provide a list of facilities that the local authority determines to be unavailable for use by the private transportation provider and must provide the criteria used to reach that determination.

(c) The application and review processes must be uniform and should provide for an expeditious response by the authority.

(6) The department must convene a stakeholder process that includes interested public and private transportation providers, which must develop standard permit forms, clear explanations of permit rate calculations, and standard indemnification provisions that may be used by all local authorities.

Sec. 3. RCW 47.52.025 and 1974 ex.s. c 133 s 1 are each amended to read as follows:

(1) Highway authorities of the state, counties, and incorporated cities and towns, in addition to the specific powers granted in this chapter, shall also have, and may exercise, relative to limited access facilities, any and all additional authority, now or hereafter vested in them relative to highways or streets within their respective jurisdictions, and may regulate, restrict, or prohibit the use of such limited access facilities by various classes of vehicles or traffic. Such highway authorities may reserve any limited access facility or portions thereof, including designated lanes or ramps for the exclusive or preferential use of (a) public transportation vehicles, (b) privately owned buses, ((~~or~~)) (c) private motor vehicles carrying not less than a specified number of passengers, or (d) the following private transportation provider vehicles if the vehicle has the capacity to carry eight or more passengers, regardless of the number of passengers in the vehicle, and if such use does not interfere with the efficiency, reliability, and safety of public transportation operations: (i) Auto transportation company vehicles regulated under chapter 81.68 RCW; (ii) passenger charter carrier vehicles regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; (iii) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (iv) private employer transportation service vehicles, when such limitation will increase the efficient utilization of the highway facility or will aid in the conservation of energy resources. Regulations authorizing such exclusive or preferential use of a highway facility may be declared to be effective at all time or at specified times of day or on specified days.

(2) Any transit-only lanes that allow other vehicles to access abutting businesses that are reserved pursuant to subsection (1) of this section may not be authorized for the use of private transportation provider vehicles as described under subsection (1) of this section.

(3) Highway authorities of the state, counties, or incorporated cities and towns may prohibit the use of limited access facilities by the following private transportation provider vehicles: (a) Auto transportation company vehicles regulated under chapter 81.68 RCW; (b) passenger charter carrier vehicles regulated under chapter 81.70 RCW, and marked or unmarked limousines and stretch sport utility vehicles as defined under department of licensing rules; (c) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (d) private employer transportation service vehicles, when the average transit speed in the high occupancy vehicle travel lane fails to meet department standards and falls below forty-five miles per hour at least ninety percent of the time during the peak hours for two consecutive months.

(4)(a) Local authorities are encouraged to establish a process for private transportation providers, described under subsections (1) and (3) of this section, to apply for the use of limited access facilities that are reserved for the exclusive or preferential use of public transportation vehicles.

(b) The process must provide a list of facilities that the local authority determines to be unavailable for use by the private transportation provider and must provide the criteria used to reach that determination.

(c) The application and review processes must be uniform and should provide for an expeditious response by the authority.

(5) For the purposes of this section, "private employer transportation service" means regularly scheduled, fixed-route transportation service that is similarly marked or identified to display the business name or logo on the driver and passenger sides of the vehicle, meets the annual certification requirements of the department, and is offered by an employer for the benefit of its employees.

NEW SECTION. **Sec. 4.** A new section is added to chapter 47.04 RCW to read as follows:

When designing portions of a highway that are intended to be used as portions reserved for the exclusive or preferential use of public transportation vehicles, state and local jurisdictions shall consider whether the design will safely accommodate private transportation provider vehicles that may be authorized to use the reserved portions under RCW 46.61.165 and 47.52.025 without interfering with the efficiency, reliability, and safety of public transportation operations.

NEW SECTION. **Sec. 5.** If any part of this act is found to be in conflict with mitigation requirements under the state environmental policy act (chapter 43.21C RCW) or the national environmental policy act (42 U.S.C. Secs. 4321 through 4347) or in any other way conflicts with federal requirements that are a condition or part of the allocation of federal funds to the state or local facilities, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state or local authorities."

Correct the title.

And the bill do pass as recommended by the conference committee.

Signed by Senators Haugen, King and White; Representatives Billig, Clibborn and Hargrove.

MOTION

Senator Haugen moved that the Report of the Conference Committee on Substitute Senate Bill No. 5836 be adopted.

Senator Haugen spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Haugen that the Report of the Conference Committee on Substitute Senate Bill No. 5836 be adopted.

The motion by Senator Haugen carried and the Report of the Conference Committee was adopted by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5836, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5836, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

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

Absent: Senator Nelson

Excused: Senators Carrell, Delvin and Parlette

SUBSTITUTE SENATE BILL NO. 5836, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

NOTICE OF RECONSIDERATION

Having voted on the prevailing side Senator Benton gave notice to reconsider the vote by which Engrossed Substitute House Bill No. 1478 passed the Senate earlier in the day.

MOTION

On motion of Senator Eide, Substitute Senate Bill No. 5836 was immediately transmitted to the House of Representatives.

MOTION

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2021, by House Committee on Ways & Means (originally sponsored by Representatives Pettigrew, Darneille, Seaquist, Carlyle, Hunter and Cody)

Limiting the annual increase amounts in the public employees' retirement system plan 1 and the teachers' retirement system plan 1.

The measure was read the second time.

MOTION

On motion of Senator Murray, the rules were suspended, Substitute House Bill No. 2021 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Murray, Hargrove and Ericksen spoke in favor of passage of the bill.

Senators Fraser and Conway spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2021.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2021 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 17; Absent, 1; Excused, 3.

Voting yea: Senators Becker, Brown, Chase, Eide, Ericksen, Hargrove, Hatfield, Hewitt, Hobbs, Kastama, Kilmer, King, Kline, Kohl-Welles, Litzow, Morton, Murray, Pflug, Prentice, Pridemore, Regala, Rockefeller, Schoesler, Shin, Stevens, Tom, White and Zarelli

Voting nay: Senators Baumgartner, Baxter, Benton, Conway, Fain, Fraser, Harper, Haugen, Hill, Holmquist Newbry, Honeyford, Keiser, McAuliffe, Ranker, Roach, Sheldon and Swecker

Absent: Senator Nelson

Excused: Senators Carrell, Delvin and Parlette

SUBSTITUTE HOUSE BILL NO. 2021, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:28 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 12:17 p.m. by President Owen.

MOTION

On motion of Senator Benton, the motion by Senator Benton to reconsider the vote by which Engrossed Substitute House Bill No. 1478 passed the Senate was withdrawn and the measure was iimmediately transmit to the House of Representatives.

MOTION

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

MESSAGE FROM THE HOUSE

April 21, 2011

MR. PRESIDENT:
The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1516 and again asks the Senate to recede therefrom.
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Haugen moved that the Senate recede from its position in the Senate amendment(s) to Substitute House Bill No. 1516.

The President declared the question before the Senate to be motion by Senator Haugen that the Senate recede from its position in the Senate amendment(s) to Substitute House Bill No. 1516.

The motion by Senator Haugen carried and the Senate receded from its position in the Senate amendment(s) to Substitute House Bill No. 1516 by voice vote.

MOTION

On motion of Senator Haugen, the rules were suspended and Substitute House Bill No. 1516 was returned to second reading for the purpose of amendment.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1516, by House Committee on Transportation (originally sponsored by Representatives Morris, Armstrong, Rolfes, Clibborn, Fitzgibbon, Liias, Maxwell, Appleton, Sells, Eddy and Smith)

Concerning the performance of state ferry system management.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 47.64.120 and 2010 c 283 s 10 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, the employer and ferry system employee organizations, through their collective bargaining representatives, shall meet at reasonable times to negotiate in good faith with respect to wages, hours, working conditions, and insurance, and other matters mutually agreed upon. Employer funded retirement benefits shall be provided under the public employees retirement system under chapter 41.40 RCW and shall not be included in the scope of collective bargaining. Except as provided under RCW 47.64.270, the employer is not required to bargain over health care benefits. Any retirement system or retirement benefits shall not be subject to collective bargaining.

(2) Upon ratification of bargaining agreements, ferry employees are entitled to an amount equivalent to the interest earned on retroactive compensation increases. For purposes of this section, the interest earned on retroactive compensation increases is the same monthly rate of interest that was earned on the amount of the compensation increases while held in the state treasury. The interest will be computed for each employee until the date the retroactive compensation is paid, and must be allocated in accordance with appropriation authority. The interest earned on retroactive compensation is not considered part of the ongoing compensation obligation of the state and is not compensation earnable for the purposes of chapter 41.40 RCW. Negotiations shall also include grievance procedures for resolving any questions arising under the agreement, which shall be embodied in a written agreement and signed by the parties.

(3) The employer shall not bargain over rights of management which, in addition to all powers, duties, and rights established by constitutional provision or statute, must include, but not be limited to, the following:

(a) Directing promotions;

(b) Directing staffing levels; and

(c) Directing the use of part-time shifts.

(4) A collective bargaining agreement may not contain any provision that extends the term of an existing collective bargaining agreement or applicability of items incompatible with this section in an existing collective bargaining agreement.

(5) Except as otherwise provided in this chapter, if a conflict exists between an executive order, administrative rule, or agency policy relating to wages, hours, and terms and conditions of employment and a collective bargaining agreement negotiated under this chapter, the collective bargaining agreement shall prevail. A provision of a collective bargaining agreement that conflicts with the terms of a statute is invalid and unenforceable.

NEW SECTION. **Sec. 2.** A new section is added to chapter 47.64 RCW to read as follows:

(1) Effective July 1, 2013, all captains of Washington state ferry vessels are part of Washington state ferries management.

(2) The captain, also known as the master of a vessel or the commanding officer, is the ultimate authority on and has responsibility for the entire vessel. The captain's responsibilities include, but are not limited to:

(a) Ensuring the safe navigation of the vessel and its crew and passengers;

(b) Following all applicable federal, state, and agency policies and regulations;

(c) Supervising crew in performance, operations, training, security, and environmental protection; and

(d) Overseeing all aspects of vessel operations including, but not limited to:

(i) Vessel arrivals and departures;

(ii) Schedule adherence;

(iii) Customer service;

(iv) Cost containment; and

(v) Fuel efficiency.

(3) Effective July 1, 2013, the public employment relations commission shall sever from the masters, mates, and pilots bargaining unit all captains. In anticipation of the captains' severance from the masters, mates, and pilots bargaining unit, the public employment relations commission shall conduct an election by August 31, 2011, to determine representation of the captains. If a majority of the captains in the masters, mates, and pilots bargaining unit indicate by vote that they desire to be included in a newly formed captains-only bargaining unit, the public employment relations commission shall certify a captains-only bargaining unit, to be effective July 1, 2013. Notwithstanding the results of the election, captains shall remain a part of the masters, mates, and pilots bargaining unit through June 30, 2013.

(4) If a new captains-only bargaining unit is created, the employer and the exclusive bargaining representative for the captains-only bargaining unit must negotiate a collective bargaining agreement exclusive to the captains-only bargaining unit.

(5) For negotiations covering the 2013-2015 biennium, the employer and the exclusive bargaining representative of the captains-only bargaining unit must negotiate agreements that are consistent with this section.

(6) A collective bargaining agreement may not contain any provision that extends the term of an existing collective bargaining agreement or applicability of items incompatible with this section in an existing collective bargaining agreement.

NEW SECTION. **Sec. 3.** A new section is added to chapter 47.64 RCW to read as follows:

Washington state ferry system management must meet with its union employees twice a year and encourage an open and direct exchange of ideas and concerns between line employees and management.

NEW SECTION. **Sec. 4.** A new section is added to chapter 47.64 RCW to read as follows:

For the purposes of this section and sections 5 through 10 of this act:

(1) "Management" means an employee at the Washington state ferries who is part of Washington management services, is exempt, or is a captain.

(2) "Performance measure" means measurable standards to be used by the department to evaluate the sufficiency of the services being provided to ferry riders.

(3) "Performance report" means a report that summarizes ferry system performance using the performance measures identified in sections 5 and 6 of this act.

(4) "Performance target" means the desired outcome of a performance measure.

NEW SECTION. **Sec. 5.** A new section is added to chapter 47.64 RCW to read as follows:

Performance targets must be established by an ad hoc committee with members from and designated by the office of the governor. The committee may not consist of more than eleven members. By July 1, 2011, the committee shall present performance targets to the representatives of the legislative transportation committees and the joint transportation committee for review of the performance measures listed under this section. The committee may also develop performance measures in addition to the following:

(1) Safety performance as measured by passenger injuries per one million passenger miles and by injuries per ten thousand revenue service hours that are recordable by standards of the federal occupational safety and health administration and related to standard operating procedures;

(2) Service effectiveness measures including, but not limited to, passenger satisfaction of interactions with ferry employees, cleanliness and comfort of vessels and terminals, and satisfactory response to requests for assistance. Passenger satisfaction must be measured by an evaluation that is created by a contracted market research company and conducted by the Washington state transportation commission as part of the ferry riders' opinion group survey. The Washington state transportation commission shall, to the extent possible, integrate the passenger satisfaction evaluation into the ferry user data survey described in RCW 47.60.286;

(3) Cost-containment measures including, but not limited to, operating cost per passenger mile, operating cost per revenue service mile, discretionary overtime as a percentage of straight time, and gallons of fuel consumed per revenue service mile; and

(4) Maintenance and capital program effectiveness measures including, but not limited to: Project delivery rate as measured by the number of projects completed on time and within the omnibus transportation appropriations act; vessel and terminal design and engineering costs as measured by a percentage of the total capital program, including measurement of the ongoing operating and maintenance costs; and total vessel out-of-service time.

NEW SECTION. **Sec. 6.** A new section is added to chapter 47.64 RCW to read as follows:

(1) Beginning on October 1, 2011, the department shall report on peak-direction, peak-time, on-time performance by route for all runs except those delayed or canceled due to tidal conditions. On-time is defined as within ten minutes of the scheduled time. Peak-time for the Mukilteo/Clinton, Edmonds/Kingston, Seattle/Bainbridge, Seattle/Bremerton, Fauntleroy/Vashon/Southworth, and Point Defiance/Tahlequah ferry routes means weekdays from 5:00 a.m. to 9:00 a.m. and 3:00 p.m. to 7:00 p.m. Peak-time for the Coupeville (Keystone)/Port Townsend and Anacortes/San Juan Island ferry routes means Fridays from 3:00 p.m. to closing, Saturdays all day, Sundays all day, holidays all day, and Mondays from opening to 12:00 p.m.

(2) The department shall, on a quarterly basis, report Washington state ferry system management's performance as it relates to the performance measure in subsection (1) of this section (a) to the transportation committees of the legislature, (b) on its vessels, (c) at all ferry terminals, and (d) on the department's web site. The statistics must include reasons for any delays over five minutes and any delays over ten minutes from the scheduled time.

(3) The department may not eliminate any ferry route without prior legislative approval.

NEW SECTION. **Sec. 7.** A new section is added to chapter 47.64 RCW to read as follows:

(1) The office of financial management shall complete a performance report that provides a baseline assessment of current performance on the performance measures identified in sections 5 and 6 of this act using final 2009-2011 data. This report must be presented to the joint transportation committee by November 1, 2011, for review.

(2) By October 1, 2012, and each year thereafter, the office of financial management shall complete a performance report for the prior fiscal year. This report must be reviewed by the joint transportation committee, and the findings of the report must be incorporated into the governor's proposed biennial transportation budget. The office of financial management shall transmit a copy of the accepted performance report to the legislature with the governor's biennial transportation budget.

(3) Management shall lead implementation of the performance measures in sections 5 and 6 of this act.

NEW SECTION. **Sec. 8.** A new section is added to chapter 47.64 RCW to read as follows:

If the Washington state ferries does not meet at least eighty percent of the performance target that is set for each performance measure identified in sections 5 and 6 of this act by June 30, 2013, the governor, with the consensus of the chairs and ranking minorities of the transportation committees of the legislature, shall appoint a governor's management representative who, within sixty days, shall develop and submit a corrective action plan to achieve the performance targets in sections 5 and 6 of this act within the following twelve months. The plan must be submitted to the governor and the transportation committees of the legislature.

NEW SECTION. **Sec. 9.** A new section is added to chapter 47.64 RCW to read as follows:

(1) If the Washington state ferries does not meet at least eighty percent of the performance target that is set for each performance measure identified in sections 5 and 6 of this act by June 30, 2013, the department must:

(a) Solicit a fixed cost bid for meeting the performance measures in sections 5 and 6 of this act, which must include a request for information or a request for qualifications to identify qualifications necessary and costs associated with privatizing the management functions of the Washington state ferries; and

(b) Present the results of the request for information or request for qualifications to the transportation committees of the legislature and the governor.

(2) In consultation with the governor's office, the transportation committees of the legislature shall utilize the information provided in subsection (1) of this section to determine whether or not to competitively contract out the management functions of the Washington state ferry system the following biennium.

(3) If the governor and the transportation committees of the legislature opt to competitively contract out the management functions of the Washington state ferry system in the following biennium, the contract must be a fixed cost contract that requires the private management services firm to meet or exceed the performance target for eighty percent of the performance measures under sections 5 and 6 of this act. Based on these performance measures, the contract must provide for incentive or retained payment arrangements as a means of ensuring satisfactory performance of the contract and improved performance of the ferry system over time.

(4) The contract must include a requirement that the firm retain existing and future collective bargaining agreements as negotiated between the state and the employees' labor representatives. The private management services firm may rehire Washington management services employees or exempt employees at the Washington state ferries.

(5) The contract must be for a two-year period. If the private management services firm meets or exceeds the performance measures under sections 5 and 6 of this act, the contract is renewable for an additional two years for a maximum of ten years. After ten years, the department shall implement an invitation for bid process.

(6) Consistent with RCW 41.06.142(3), the contract is not subject to requirements for agencies purchasing services that have been customarily and historically provided by state employees.

NEW SECTION. **Sec. 10.** A new section is added to chapter 47.64 RCW to read as follows:

The report required in RCW 47.01.071(5) and 47.04.280 must include the performance measures in sections 5 and 6 of this act.

Sec. 11. RCW 47.64.011 and 2006 c 164 s 1 are each amended to read as follows:

As used in this chapter, unless the context otherwise requires, the definitions in this section shall apply.

(1) "Collective bargaining representative" means the persons designated by the governor and employee organizations to be the exclusive representatives during collective bargaining negotiations.

(2) "Commission" means the ((~~marine employees'~~)) public employment relations commission created in RCW ((~~47.64.280~~)) 41.58.010.

(3) "Department of transportation" means the department as defined in RCW 47.01.021.

(4) "Employer" means the state of Washington.

(5) "Ferry employee" means any employee of the marine transportation division of the department of transportation who is a member of a collective bargaining unit represented by a ferry employee organization and does not include an exempt employee pursuant to RCW 41.06.079.

(6) "Ferry employee organization" means any labor organization recognized to represent a collective bargaining unit of ferry employees.

(7) "Lockout" means the refusal of the employer to furnish work to ferry employees in an effort to get ferry employee organizations to make concessions during collective bargaining, grievance, or other labor relation negotiations. Curtailment of employment of ferry employees due to lack of work resulting from a strike or work stoppage shall not be considered a lockout.

(8) "Office of financial management" means the office as created in RCW 43.41.050.

(9) "Strike or work stoppage" means a ferry employee's refusal, in concerted action with others, to report to duty, or his or her willful absence from his or her position, or his or her stoppage or slowdown of work, or his or her abstinence in whole or in part from the full, faithful, and proper performance of the duties of employment, for the purpose of inducing, influencing, or coercing a change in conditions, compensation, rights, privileges, or obligations of his, her, or any other ferry employee's employment. A refusal, in good faith, to work under conditions which pose an endangerment to the health and safety of ferry employees or the public, as determined by the master of the vessel, shall not be considered a strike for the purposes of this chapter.

Sec. 12. RCW 47.64.090 and 2003 c 373 s 3 and 2003 c 91 s 1 are each reenacted and amended to read as follows:

(1) Except as provided in RCW 47.60.656 and subsections (2) and (4) of this section, or as provided in RCW 36.54.130 and subsection (3) of this section, if any party assumes the operation and maintenance of any ferry or ferry system by rent, lease, or charter from the department of transportation, such party shall assume and be bound by all the provisions herein and any agreement or contract for such operation of any ferry or ferry system entered into by the department shall provide that the wages to be paid, hours of employment, working conditions, and seniority rights of employees will be established by the ((~~marine employees'~~)) commission in accordance with the terms and provisions of this chapter and it shall further provide that all labor disputes shall be adjudicated in accordance with chapter 47.64 RCW.

(2) If a public transportation benefit area meeting the requirements of RCW 36.57A.200 has voter approval to operate passenger- only ferry service, it may enter into an agreement with Washington State Ferries to rent, lease, or purchase passenger-only vessels, related equipment, or terminal space for purposes of loading and unloading the passenger-only ferry. Charges for the vessels, equipment, and space must be fair market value taking into account the public benefit derived from the ferry service. A benefit area or subcontractor of that benefit area that qualifies under this subsection is not subject to the restrictions of subsection (1) of this section, but is subject to:

(a) The terms of those collective bargaining agreements that it or its subcontractors negotiate with the exclusive bargaining representatives of its or its subcontractors' employees under chapter 41.56 RCW or the National Labor Relations Act, as applicable;

(b) Unless otherwise prohibited by federal or state law, a requirement that the benefit area and any contract with its subcontractors, give preferential hiring to former employees of the department of transportation who separated from employment with the department because of termination of the ferry service by the state of Washington; and

(c) Unless otherwise prohibited by federal or state law, a requirement that the benefit area and any contract with its subcontractors, on any questions concerning representation of employees for collective bargaining purposes, may be determined by conducting a cross-check comparing an employee organization's membership records or bargaining authorization cards against the employment records of the employer.

(3) If a ferry district is formed under RCW 36.54.110 to operate passenger-only ferry service, it may enter into an agreement with Washington State Ferries to rent, lease, or purchase vessels, related equipment, or terminal space for purposes of loading and unloading the ferry. Charges for the vessels, equipment, and space must be fair market value taking into account the public benefit derived from the ferry service. A ferry district or subcontractor of that district that qualifies under this subsection is not subject to the restrictions of subsection (1) of this section, but is subject to:

(a) The terms of those collective bargaining agreements that it or its subcontractors negotiate with the exclusive bargaining representatives of its or its subcontractors' employees under chapter 41.56 RCW or the National Labor Relations Act, as applicable;

(b) Unless otherwise prohibited by federal or state law, a requirement that the ferry district and any contract with its subcontractors, give preferential hiring to former employees of the department of transportation who separated from employment with the department because of termination of the ferry service by the state of Washington; and

(c) Unless otherwise prohibited by federal or state law, a requirement that the ferry district and any contract with its subcontractors, on any questions concerning representation of employees for collective bargaining purposes, may be determined by conducting a cross-check comparing an employee organization's membership records or bargaining authorization cards against the employment records of the employer.

(4) The department of transportation shall make its terminal, dock, and pier space available to private operators of passenger-only

ferries if the space can be made available without limiting the operation of car ferries operated by the department. These private operators are not bound by the provisions of subsection (1) of this section. Charges for the equipment and space must be fair market value taking into account the public benefit derived from the passenger-only ferry service.

Sec. 13. RCW 47.64.150 and 1983 c 15 s 6 are each amended to read as follows:

An agreement with a ferry employee organization that is the exclusive representative of ferry employees in an appropriate unit may provide procedures for the consideration of ferry employee grievances and of disputes over the interpretation and application of agreements. Negotiated procedures may provide for binding arbitration of ferry employee grievances and of disputes over the interpretation and application of existing agreements. An arbitrator's decision on a grievance shall not change or amend the terms, conditions, or applications of the collective bargaining agreement. The procedures shall provide for the invoking of arbitration only with the approval of the employee organization. The costs of arbitrators shall be shared equally by the parties.

Ferry system employees shall follow ((~~either~~)) the grievance procedures provided in a collective bargaining agreement, or if ((~~no~~)) such procedures are ((~~so~~)) not provided, shall submit the grievances to the ((~~marine employees'~~)) commission ((~~as provided in RCW 47.64.280~~)).

Sec. 14. RCW 41.58.060 and 1983 c 15 s 22 are each amended to read as follows:

For any matter concerning the state ferry system and employee relations, collective bargaining, or labor disputes or stoppages, the provisions of chapter 47.64 RCW and this chapter shall govern. However, if a conflict exists between the provisions of chapter 47.64 RCW and this chapter, the provisions of chapter 47.64 RCW shall govern.

Sec. 15. RCW 41.06.070 and 2010 c 271 s 801, 2010 c 2 s 2, and 2010 c 1 s 1 are each reenacted and amended to read as follows:

(1) The provisions of this chapter do not apply to:

(a) The members of the legislature or to any employee of, or position in, the legislative branch of the state government including members, officers, and employees of the legislative council, joint legislative audit and review committee, statute law committee, and any interim committee of the legislature;

(b) The justices of the supreme court, judges of the court of appeals, judges of the superior courts or of the inferior courts, or to any employee of, or position in the judicial branch of state government;

(c) Officers, academic personnel, and employees of technical colleges;

(d) The officers of the Washington state patrol;

(e) Elective officers of the state;

(f) The chief executive officer of each agency;

(g) In the departments of employment security and social and health services, the director and the director's confidential secretary; in all other departments, the executive head of which is an individual appointed by the governor, the director, his or her confidential secretary, and his or her statutory assistant directors;

(h) In the case of a multimember board, commission, or committee, whether the members thereof are elected, appointed by the governor or other authority, serve ex officio, or are otherwise chosen:

(i) All members of such boards, commissions, or committees;

(ii) If the members of the board, commission, or committee serve on a part-time basis and there is a statutory executive officer: The secretary of the board, commission, or committee; the chief executive officer of the board, commission, or committee; and the confidential secretary of the chief executive officer of the board, commission, or committee;

(iii) If the members of the board, commission, or committee serve on a full-time basis: The chief executive officer or administrative officer as designated by the board, commission, or committee; and a confidential secretary to the chair of the board, commission, or committee;

(iv) If all members of the board, commission, or committee serve ex officio: The chief executive officer; and the confidential secretary of such chief executive officer;

(i) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the state;

(j) Assistant attorneys general;

(k) Commissioned and enlisted personnel in the military service of the state;

(l) Inmate, student, part-time, or temporary employees, and part- time professional consultants, as defined by the Washington personnel resources board;

(m) The public printer or to any employees of or positions in the state printing plant;

(n) Officers and employees of the Washington state fruit commission;

(o) Officers and employees of the Washington apple commission;

(p) Officers and employees of the Washington state dairy products commission;

(q) Officers and employees of the Washington tree fruit research commission;

(r) Officers and employees of the Washington state beef commission;

(s) Officers and employees of the Washington grain commission;

(t) Officers and employees of any commission formed under chapter 15.66 RCW;

(u) Officers and employees of agricultural commissions formed under chapter 15.65 RCW;

(v) Officers and employees of the nonprofit corporation formed under chapter 67.40 RCW;

(w) Executive assistants for personnel administration and labor relations in all state agencies employing such executive assistants including but not limited to all departments, offices, commissions, committees, boards, or other bodies subject to the provisions of this chapter and this subsection shall prevail over any provision of law inconsistent herewith unless specific exception is made in such law;

(x) In each agency with fifty or more employees: Deputy agency heads, assistant directors or division directors, and not more than three principal policy assistants who report directly to the agency head or deputy agency heads;

(y) ((~~All employees of the marine employees' commission; (z)~~)) Staff employed by the department of commerce to administer energy policy functions;

(((~~(aa)~~))) (z) The manager of the energy facility site evaluation council;

(((~~(bb)~~))) (aa) A maximum of ten staff employed by the department of commerce to administer innovation and policy functions, including the three principal policy assistants exempted under (x) of this subsection;

(((~~(cc)~~))) (bb) Staff employed by Washington State University to administer energy education, applied research, and technology transfer programs under RCW 43.21F.045 as provided in RCW 28B.30.900(5).

(2) The following classifications, positions, and employees of institutions of higher education and related boards are hereby exempted from coverage of this chapter:

(a) Members of the governing board of each institution of higher education and related boards, all presidents, vice presidents, and their confidential secretaries, administrative, and personal assistants; deans, directors, and chairs; academic personnel; and

executive heads of major administrative or academic divisions employed by institutions of higher education; principal assistants to executive heads of major administrative or academic divisions; other managerial or professional employees in an institution or related board having substantial responsibility for directing or controlling program operations and accountable for allocation of resources and program results, or for the formulation of institutional policy, or for carrying out personnel administration or labor relations functions, legislative relations, public information, development, senior computer systems and network programming, or internal audits and investigations; and any employee of a community college district whose place of work is one which is physically located outside the state of Washington and who is employed pursuant to RCW 28B.50.092 and assigned to an educational program operating outside of the state of Washington;

(b) The governing board of each institution, and related boards, may also exempt from this chapter classifications involving research activities, counseling of students, extension or continuing education activities, graphic arts or publications activities requiring prescribed academic preparation or special training as determined by the board: PROVIDED, That no nonacademic employee engaged in office, clerical, maintenance, or food and trade services may be exempted by the board under this provision;

(c) Printing craft employees in the department of printing at the University of Washington.

(3) In addition to the exemptions specifically provided by this chapter, the director of personnel may provide for further exemptions pursuant to the following procedures. The governor or other appropriate elected official may submit requests for exemption to the director of personnel stating the reasons for requesting such exemptions. The director of personnel shall hold a public hearing, after proper notice, on requests submitted pursuant to this subsection. If the director determines that the position for which exemption is requested is one involving substantial responsibility for the formulation of basic agency or executive policy or one involving directing and controlling program operations of an agency or a major administrative division thereof, the director of personnel shall grant the request and such determination shall be final as to any decision made before July 1, 1993. The total number of additional exemptions permitted under this subsection shall not exceed one percent of the number of employees in the classified service not including employees of institutions of higher education and related boards for those agencies not directly under the authority of any elected public official other than the governor, and shall not exceed a total of twenty-five for all agencies under the authority of elected public officials other than the governor.

The salary and fringe benefits of all positions presently or hereafter exempted except for the chief executive officer of each agency, full-time members of boards and commissions, administrative assistants and confidential secretaries in the immediate office of an elected state official, and the personnel listed in subsections (1)(j) through (v) ((~~and (y)~~)) and (2) of this section, shall be determined by the director of personnel. Changes to the classification plan affecting exempt salaries must meet the same provisions for classified salary increases resulting from adjustments to the classification plan as outlined in RCW 41.06.152.

From February 18, 2009, through June 30, 2011, a salary or wage increase shall not be granted to any position exempt from classification under this chapter, except that a salary or wage increase may be granted to employees pursuant to collective bargaining agreements negotiated under chapter 28B.52, 41.56, 47.64, or 41.76 RCW, or negotiated by the nonprofit corporation formed under chapter 67.40 RCW, and except that increases may be granted for positions for which the employer has demonstrated difficulty retaining qualified employees if the following conditions are met:

(a) The salary increase can be paid within existing resources; and

(b) The salary increase will not adversely impact the provision of client services.

Any agency granting a salary increase from February 15, 2010, through June 30, 2011, to a position exempt from classification under this chapter shall submit a report to the fiscal committees of the legislature no later than July 31, 2011, detailing the positions for which salary increases were granted, the size of the increases, and the reasons for giving the increases.

Any person holding a classified position subject to the provisions of this chapter shall, when and if such position is subsequently exempted from the application of this chapter, be afforded the following rights: If such person previously held permanent status in another classified position, such person shall have a right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

A person occupying an exempt position who is terminated from the position for gross misconduct or malfeasance does not have the right of reversion to a classified position as provided for in this section.

From February 15, 2010, until June 30, 2011, no monetary performance-based awards or incentives may be granted by the director or employers to employees covered by rules adopted under this section. This subsection does not prohibit the payment of awards provided for in chapter 41.60 RCW.

NEW SECTION. **Sec. 16.** (1) The marine employees' commission is hereby abolished and its powers, duties, and functions are hereby transferred to the public employment relations commission.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the marine employees' commission shall be delivered to the custody of the public employment relations commission. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the marine employees' commission shall be made available to the public employment relations commission. All funds, credits, or other assets held by the marine employees' commission shall be assigned to the public employment relations commission.

(b) Any appropriations made to the marine employees' commission shall, on the effective date of this section, be transferred and credited to the public employment relations commission.

(c) If any question arises as to the transfer of any funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All rules and all pending business before the marine employees' commission shall be continued and acted upon by the public employment relations commission. All existing contracts and obligations shall remain in full force and shall be performed by the public employment relations commission.

(4) The transfer of the powers, duties, and functions of the marine employees' commission shall not affect the validity of any act performed before the effective date of this section.

(5) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial

management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. **Sec. 17.** The following acts or parts of acts are each repealed:

(1) RCW 47.64.080 (Employee seniority rights) and 1984 c 7 s 341 & 1961 c 13 s 47.64.080; and

(2) RCW 47.64.280 (Marine employees' commission) and 2010 c 283 s 14, 2006 c 164 s 18, 1984 c 287 s 95, & 1983 c 15 s 19.

NEW SECTION. **Sec. 18.** 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."

Senators Haugen, King, Rockefeller and Conway spoke in favor of adoption of the striking amendment.

MOTION

On motion of Senator Swecker, Senator Ericksen was excused.

MOTION

On motion of Senator White, Senator Nelson was excused.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Haugen and King to Substitute House Bill No. 1516.

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

MOTION

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

On page 1, line 2 of the title, after "system;" strike the remainder of the title and insert "amending RCW 47.64.120, 47.64.011, 47.64.150, and 41.58.060; reenacting and amending RCW 47.64.090 and 41.06.070; adding new sections to chapter 47.64 RCW; creating a new section; repealing RCW 47.64.080 and 47.64.280; and declaring an emergency."

MOTION

On motion of Senator Haugen, the rules were suspended, Substitute House Bill No. 1516 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1516 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1516 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 31; Nays, 14; Absent, 0; Excused, 4.

Voting yea: Senators Baumgartner, Baxter, Becker, Brown, Carrell, Eide, Fain, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Pflug, Prentice, Regala, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Benton, Chase, Conway, Harper, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Pridemore, Ranker, Roach and White

Excused: Senators Delvin, Ericksen, Nelson and Parlette

SUBSTITUTE HOUSE BILL NO. 1516 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Substitute House Bill No. 1516 was immediately transmitted to the House of Representatives.

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SENATE BILL NO. 5005,
SENATE BILL NO. 5044,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5073,
SUBSTITUTE SENATE BILL NO. 5187,
SUBSTITUTE SENATE BILL NO. 5204,
SUBSTITUTE SENATE BILL NO. 5271,
SUBSTITUTE SENATE BILL NO. 5385,
SUBSTITUTE SENATE BILL NO. 5487,
SECOND SUBSTITUTE SENATE BILL NO. 5622,
SECOND SUBSTITUTE SENATE BILL NO. 5636,
SECOND SUBSTITUTE SENATE BILL NO. 5662,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5708,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5748,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5769,
SUBSTITUTE SENATE BILL NO. 5791.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 5023,
SENATE BILL NO. 5304,
SUBSTITUTE SENATE BILL NO. 5531,
SENATE BILL NO. 5625,
SENATE BILL NO. 5628,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5656,
SUBSTITUTE SENATE BILL NO. 5691,
SUBSTITUTE SENATE BILL NO. 5722,
SENATE JOINT MEMORIAL NO. 8008.

MESSAGE FROM THE HOUSE

April 22, 2011

MR. PRESIDENT:
The Speaker has signed:
ENGROSSED SENATE BILL NO. 5005,
SUBSTITUTE SENATE BILL NO. 5023,
SENATE BILL NO. 5044,
SUBSTITUTE SENATE BILL NO. 5067,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5073,
SUBSTITUTE SENATE BILL NO. 5187,
SUBSTITUTE SENATE BILL NO. 5204,
SUBSTITUTE SENATE BILL NO. 5271,
SENATE BILL NO. 5304,
SUBSTITUTE SENATE BILL NO. 5326,
SUBSTITUTE SENATE BILL NO. 5350,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5371,
SUBSTITUTE SENATE BILL NO. 5385,
SUBSTITUTE SENATE BILL NO. 5487,
SUBSTITUTE SENATE BILL NO. 5531,
SECOND SUBSTITUTE SENATE BILL NO. 5622,
SENATE BILL NO. 5625,
SENATE BILL NO. 5628,
SECOND SUBSTITUTE SENATE BILL NO. 5636,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5656,
SECOND SUBSTITUTE SENATE BILL NO. 5662,
SUBSTITUTE SENATE BILL NO. 5691,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5708,
SUBSTITUTE SENATE BILL NO. 5722,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5748,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5769,
SUBSTITUTE SENATE BILL NO. 5791,
SENATE JOINT MEMORIAL NO. 8008.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

At 12:38 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 3:45 p.m. by President Owen.

MESSAGE FROM THE HOUSE

April 22, 2011

MR. PRESIDENT:
The House has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1478 and has passed the bill as recommended by the Conference Committee.
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 22, 2011

MR. PRESIDENT:
The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1175,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 22, 2011

MR. PRESIDENT:
The House has adopted the report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 1793 and has passed the bill as recommended by the Conference Committee.
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 21, 2011

MR. PRESIDENT:
The House adheres to its position on SUBSTITUTE HOUSE BILL NO. 1081 and asks the Senate to recede therefrom.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Rockefeller moved that the Senate adhere to its position and refuse to recede in the Senate amendment(s) to Substitute House Bill No. 1081.

The President declared the question before the Senate to be motion by Senator Rockefeller that the Senate adhere to its position and refused to recede in the Senate amendment(s) to Substitute House Bill No. 1081.

The motion by Senator Rockefeller carried and the Senate adhered to its position in the Senate amendment(s) to Substitute House Bill No. 1081.

MOTION

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

SUPPLEMENTAL INTRODUCTION AND FIRST READING

SCR 8401 by Senators Brown and Hewitt

Adjourning SINE DIE.

SCR 8402 by Senators Brown and Hewitt

Returning bills to their house of origin.

MOTION

On motion of Senator Eide, and without objections, Senate Concurrent Resolution No. 8401 and Senate Concurrent Resolution No. 8402 were placed on the second reading calendar under suspension of the rules.

MOTION

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

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8402, by Senators Brown and Hewitt

Returning bills to their house of origin.

The measure was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, Senate Concurrent Resolution No. 8402 was advanced to third reading,

the second reading considered the third and the concurrent resolution was placed on final passage.

The President declared the question before the Senate to be the final passage of Senate Concurrent Resolution No. 8402.
SENATE CONCURRENT RESOLUTION NO. 8402, was adopted on third reading by voice vote.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8401, by Senators Brown and Hewitt

Adjourning SINE DIE.

The measure was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, Senate Concurrent Resolution No. 8401 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

The President declared the question before the Senate to be the final passage of Senate Concurrent Resolution No. 8401.
SENATE CONCURRENT RESOLUTION NO. 8401, was adopted on third reading by voice vote.

MOTION

On motion of Senator Eide and without objections, all measures remaining on the second and third reading calendars were returned to the Committee on Rules.

MOTION

On motion of Senator Eide, the reading of the Journal for the 103rd day of the Regular Session of the 62nd Legislature was dispensed with and it was approved.

PERSONAL PRIVILEGE

Senator Pridemore: "Mr. President, I realize that this sine die feels a little different knowing that we're coming back here Tuesday but I just wanted everybody in this chamber, particularly you Mr. President to realize that I am blinded by the light, revved up like a deuce another runner in the night. Thank you Mr. President."

MESSAGE FROM THE HOUSE

April 22, 2011

MR. PRESIDENT:
The Speaker has signed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1175,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1478,
SUBSTITUTE HOUSE BILL NO. 1793.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1175,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1478,
SUBSTITUTE HOUSE BILL NO. 1793.

MESSAGE FROM THE HOUSE

April 22, 2011

MR. PRESIDENT:
The Speaker has signed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1026,
SUBSTITUTE HOUSE BILL NO. 1037,
SUBSTITUTE HOUSE BILL NO. 1046,
SUBSTITUTE HOUSE BILL NO. 1053,
SECOND SUBSTITUTE HOUSE BILL NO. 1128,
HOUSE BILL NO. 1229,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1267,
SUBSTITUTE HOUSE BILL NO. 1312,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1332,
HOUSE BILL NO. 1544,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1547,
SUBSTITUTE HOUSE BILL NO. 1560,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1599,
SUBSTITUTE HOUSE BILL NO. 1691,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1725,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1774,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1790,
SUBSTITUTE HOUSE BILL NO. 1874,
SECOND SUBSTITUTE HOUSE BILL NO. 1903,
HOUSE BILL NO. 1916,
HOUSE BILL NO. 1953,
ENGROSSED HOUSE BILL NO. 1969,
SUBSTITUTE HOUSE BILL NO. 2017,
HOUSE BILL NO. 2019,
ENGROSSED SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 4404.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 22, 2011

MR. PRESIDENT:
The House has adopted:
SENATE CONCURRENT RESOLUTION NO. 8401,
SENATE CONCURRENT RESOLUTION NO. 8402.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SENATE CONCURRENT RESOLUTION NO. 8401,
SENATE CONCURRENT RESOLUTION NO. 8402.

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SUBSTITUTE SENATE BILL NO. 5457,
SUBSTITUTE SENATE BILL NO. 5836.

MESSAGE FROM THE HOUSE

April 22, 2011

MR. PRESIDENT:
The Speaker has signed:
ENGROSSED SUBSTITUTE SENATE BILL NO. 5457,
SUBSTITUTE SENATE BILL NO. 5836,
SENATE CONCURRENT RESOLUTION NO. 8401,
SENATE CONCURRENT RESOLUTION NO. 8402.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 22, 2011

MR. PRESIDENT:
The Speaker has signed:
SUBSTITUTE SENATE BILL NO. 5072.
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 22, 2011

MR. PRESIDENT:
The Speaker has signed:
HOUSE BILL NO. 1000,
SUBSTITUTE HOUSE BILL NO. 1008,
SUBSTITUTE HOUSE BILL NO. 1127,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1295,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1311,
ENGROSSED HOUSE BILL NO. 1382,
HOUSE BILL NO. 1418,
HOUSE BILL NO. 1419,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1546,
SUBSTITUTE HOUSE BILL NO. 1570,
HOUSE BILL NO. 1594,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1635,
SUBSTITUTE HOUSE BILL NO. 1899,
SUBSTITUTE HOUSE BILL NO. 2021.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 22, 2011

MR. PRESIDENT:
The Speaker has signed:
SUBSTITUTE SENATE BILL NO. 5025,
SENATE BILL NO. 5083,
SUBSTITUTE SENATE BILL NO. 5097,
SENATE BILL NO. 5119,
SENATE BILL NO. 5141,
SUBSTITUTE SENATE BILL NO. 5156,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5186,
SUBSTITUTE SENATE BILL NO. 5192,
SUBSTITUTE SENATE BILL NO. 5203,
SUBSTITUTE SENATE BILL NO. 5232,
SUBSTITUTE SENATE BILL NO. 5239,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5253,
SUBSTITUTE SENATE BILL NO. 5392,
SUBSTITUTE SENATE BILL NO. 5394,
SECOND SUBSTITUTE SENATE BILL NO. 5427,
SUBSTITUTE SENATE BILL NO. 5436,
SUBSTITUTE SENATE BILL NO. 5445,
SUBSTITUTE SENATE BILL NO. 5451,
SUBSTITUTE SENATE BILL NO. 5452,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5485,
SUBSTITUTE SENATE BILL NO. 5502,
SUBSTITUTE SENATE BILL NO. 5504,
ENGROSSED SENATE BILL NO. 5505,
SUBSTITUTE SENATE BILL NO. 5525,
SUBSTITUTE SENATE BILL NO. 5540,
SUBSTITUTE SENATE BILL NO. 5579,
SENATE BILL NO. 5584,
SUBSTITUTE SENATE BILL NO. 5590,
SECOND SUBSTITUTE SENATE BILL NO. 5595,
SUBSTITUTE SENATE BILL NO. 5614,
SUBSTITUTE SENATE BILL NO. 5658,
SUBSTITUTE SENATE BILL NO. 5688,
SUBSTITUTE SENATE BILL NO. 5700,
SENATE BILL NO. 5731,
SUBSTITUTE SENATE BILL NO. 5741,
SUBSTITUTE SENATE BILL NO. 5784,
SENATE BILL NO. 5806,
ENGROSSED SENATE BILL NO. 5907.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 1000,
SUBSTITUTE HOUSE BILL NO. 1008,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1026,
SUBSTITUTE HOUSE BILL NO. 1037,
SUBSTITUTE HOUSE BILL NO. 1046,
SUBSTITUTE HOUSE BILL NO. 1053,
SUBSTITUTE HOUSE BILL NO. 1127,
SECOND SUBSTITUTE HOUSE BILL NO. 1128,
HOUSE BILL NO. 1229,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1267,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1295,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1311,
SUBSTITUTE HOUSE BILL NO. 1312,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1332,
ENGROSSED HOUSE BILL NO. 1382,
HOUSE BILL NO. 1418,
HOUSE BILL NO. 1419,
HOUSE BILL NO. 1544,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1546,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1547,
SUBSTITUTE HOUSE BILL NO. 1560,
SUBSTITUTE HOUSE BILL NO. 1570,
HOUSE BILL NO. 1594,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1599,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1635,
SUBSTITUTE HOUSE BILL NO. 1691,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1725,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1774,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1790,
SUBSTITUTE HOUSE BILL NO. 1874,
SUBSTITUTE HOUSE BILL NO. 1899,
SECOND SUBSTITUTE HOUSE BILL NO. 1903,
HOUSE BILL NO. 1916,
HOUSE BILL NO. 1953,
ENGROSSED HOUSE BILL NO. 1969,
SUBSTITUTE HOUSE BILL NO. 2017,
HOUSE BILL NO. 2019,
SUBSTITUTE HOUSE BILL NO. 2021,
ENGROSSED SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 4404.

MESSAGE FROM THE HOUSE

April 22, 2011

MR. PRESIDENT:
Under the provisions of SENATE CONCURRENT RESOLUTION NO. 8402, the following Senate bills are returned to the Senate:
SUBSTITUTE SENATE BILL NO. 5022,
SUBSTITUTE SENATE BILL NO. 5029,
SENATE BILL NO. 5030,
SENATE BILL NO. 5032,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5039,
SENATE BILL NO. 5046,
SUBSTITUTE SENATE BILL NO. 5069,
SENATE BILL NO. 5075,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5077,
SENATE BILL NO. 5080,
SUBSTITUTE SENATE BILL NO. 5114,
SUBSTITUTE SENATE BILL NO. 5128,
SUBSTITUTE SENATE BILL NO. 5142,
SENATE BILL NO. 5143,
SUBSTITUTE SENATE BILL NO. 5154,
SENATE BILL NO. 5161,
ENGROSSED SENATE BILL NO. 5169,
SUBSTITUTE SENATE BILL NO. 5185,
SUBSTITUTE SENATE BILL NO. 5201,
ENGROSSED SENATE BILL NO. 5205,
SUBSTITUTE SENATE BILL NO. 5222,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5230,
SUBSTITUTE SENATE BILL NO. 5244,
SUBSTITUTE SENATE BILL NO. 5250,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5251,
SENATE BILL NO. 5260,
SUBSTITUTE SENATE BILL NO. 5264,
SENATE BILL NO. 5265,
SENATE BILL NO. 5289,
SUBSTITUTE SENATE BILL NO. 5298,
SUBSTITUTE SENATE BILL NO. 5343,
SUBSTITUTE SENATE BILL NO. 5356,
SENATE BILL NO. 5362,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5366,
ENGROSSED SENATE BILL NO. 5377,
SENATE BILL NO. 5403,
SUBSTITUTE SENATE BILL NO. 5417,
SUBSTITUTE SENATE BILL NO. 5432,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5433,
SUBSTITUTE SENATE BILL NO. 5439,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5449,
SENATE BILL NO. 5484,
SUBSTITUTE SENATE BILL NO. 5493,
SENATE BILL NO. 5494,
SENATE BILL NO. 5497,
SENATE BILL NO. 5516,
SUBSTITUTE SENATE BILL NO. 5519,
SENATE BILL NO. 5521,
SUBSTITUTE SENATE BILL NO. 5545,
SUBSTITUTE SENATE BILL NO. 5553,
SUBSTITUTE SENATE BILL NO. 5556,
ENGROSSED SENATE BILL NO. 5566,
ENGROSSED SENATE BILL NO. 5575,
SUBSTITUTE SENATE BILL NO. 5576,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5596,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5605,
SENATE BILL NO. 5631,
ENGROSSED SENATE BILL NO. 5638,
ENGROSSED SENATE BILL NO. 5647,
SUBSTITUTE SENATE BILL NO. 5671,
SENATE BILL NO. 5674,
SUBSTITUTE SENATE BILL NO. 5676,
ENGROSSED SENATE BILL NO. 5730,
SUBSTITUTE SENATE BILL NO. 5749,
ENGROSSED SENATE BILL NO. 5764,
ENGROSSED SENATE BILL NO. 5773,
SUBSTITUTE SENATE BILL NO. 5785,
SUBSTITUTE SENATE BILL NO. 5796,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5798,
SENATE BILL NO. 5819,
SUBSTITUTE SENATE BILL NO. 5834,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5844,
SENATE BILL NO. 5852,
SENATE JOINT RESOLUTION NO. 8206,
SUBSTITUTE SENATE JOINT RESOLUTION NO. 8215.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Under the provisions of SENATE CONCURRENT RESOLUTION NO. 8402, the following House Bills were returned to the House of Representatives:
SUBSTITUTE HOUSE BILL NO. 1001,
HOUSE BILL NO. 1015,
HOUSE BILL NO. 1075,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1094,
SUBSTITUTE HOUSE BILL NO. 1104,
SUBSTITUTE HOUSE BILL NO. 1167,
HOUSE BILL NO. 1195,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1214,
SUBSTITUTE HOUSE BILL NO. 1217,
HOUSE BILL NO. 1222,
HOUSE BILL NO. 1236,
HOUSE BILL NO. 1274,
HOUSE BILL NO. 1280,
HOUSE BILL NO. 1281,
HOUSE BILL NO. 1293,
HOUSE BILL NO. 1327,
SUBSTITUTE HOUSE BILL NO. 1336,
SUBSTITUTE HOUSE BILL NO. 1339,
HOUSE BILL NO. 1343,
ENGROSSED HOUSE BILL NO. 1364,
HOUSE BILL NO. 1381,
HOUSE BILL NO. 1392,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1487,
SECOND SUBSTITUTE HOUSE BILL NO. 1510,
SUBSTITUTE HOUSE BILL NO. 1522,

SUBSTITUTE HOUSE BILL NO. 1542,
SUBSTITUTE HOUSE BILL NO. 1549,
ENGROSSED HOUSE BILL NO. 1559,
SUBSTITUTE HOUSE BILL NO. 1563,
SUBSTITUTE HOUSE BILL NO. 1568,
SUBSTITUTE HOUSE BILL NO. 1608,
HOUSE BILL NO. 1613,
HOUSE BILL NO. 1657,
HOUSE BILL NO. 1667,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1676,
HOUSE BILL NO. 1677,
SUBSTITUTE HOUSE BILL NO. 1689,
SUBSTITUTE HOUSE BILL NO. 1745,
SUBSTITUTE HOUSE BILL NO. 1782,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1792,
HOUSE BILL NO. 1805,
HOUSE BILL NO. 1812,
SUBSTITUTE HOUSE BILL NO. 1832,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1849,
SUBSTITUTE HOUSE BILL NO. 1860,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1869,
HOUSE BILL NO. 1875,
HOUSE BILL NO. 1900,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1952,
ENGROSSED HOUSE BILL NO. 2011.

MOTION

Under the provisions of SENATE CONCURRENT RESOLUTION NO. 8402, the following House Bills were returned to the House of Representatives:

SUBSTITUTE HOUSE BILL NO. 1003,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1009,
HOUSE BILL NO. 1014,
SUBSTITUTE HOUSE BILL NO. 1019,
HOUSE BILL NO. 1021,
HOUSE BILL NO. 1039,
ENGROSSED HOUSE BILL NO. 1050,
SUBSTITUTE HOUSE BILL NO. 1057,
SUBSTITUTE HOUSE BILL NO. 1078,
HOUSE BILL NO. 1166,
HOUSE BILL NO. 1168,
HOUSE BILL NO. 1176,
HOUSE BILL NO. 1184,
SUBSTITUTE HOUSE BILL NO. 1194,
SUBSTITUTE HOUSE BILL NO. 1205,
HOUSE BILL NO. 1207,
HOUSE BILL NO. 1212,
HOUSE BILL NO. 1221,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1224,
HOUSE BILL NO. 1231,
ENGROSSED HOUSE BILL NO. 1234,
HOUSE BILL NO. 1244,
SUBSTITUTE HOUSE BILL NO. 1249,
SUBSTITUTE HOUSE BILL NO. 1253,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1265,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1346,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1365,
HOUSE BILL NO. 1395,
ENGROSSED HOUSE BILL NO. 1398,
SUBSTITUTE HOUSE BILL NO. 1401,
HOUSE BILL NO. 1440,
HOUSE BILL NO. 1466,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1469,
SUBSTITUTE HOUSE BILL NO. 1470,
HOUSE BILL NO. 1486,
ENGROSSED HOUSE BILL NO. 1490,
HOUSE BILL NO. 1491,
HOUSE BILL NO. 1498,
SECOND SUBSTITUTE HOUSE BILL NO. 1507,
SUBSTITUTE HOUSE BILL NO. 1518,
SUBSTITUTE HOUSE BILL NO. 1543,
SUBSTITUTE HOUSE BILL NO. 1564,
SUBSTITUTE HOUSE BILL NO. 1615,
SUBSTITUTE HOUSE BILL NO. 1621,
SUBSTITUTE HOUSE BILL NO. 1626,
SUBSTITUTE HOUSE BILL NO. 1650,
SUBSTITUTE HOUSE BILL NO. 1652,
HOUSE BILL NO. 1669,
ENGROSSED HOUSE BILL NO. 1674,
SUBSTITUTE HOUSE BILL NO. 1699,
SUBSTITUTE HOUSE BILL NO. 1700,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1701,
ENGROSSED HOUSE BILL NO. 1702,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1708,
SUBSTITUTE HOUSE BILL NO. 1712,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1740,
SUBSTITUTE HOUSE BILL NO. 1756,
SUBSTITUTE HOUSE BILL NO. 1815,
HOUSE BILL NO. 1833,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1885,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1901,
HOUSE BILL NO. 1926,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2002.

MOTION

At 4:06 p.m., on motion of Senator Eide, the 2011 Regular Session of the Sixty-Second Legislature adjourned SINE DIE.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate